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REPORT

ON THE

JUDICIAL ADMINISTRATION

OF

MYSORE AND COORG,

FOR THE YEAR

1865.

BANGALORE:

PRINTED AT THE MYSORE GOVERNMENT PRESS.

1866.

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 in the different Courts of Coorg.
 Statement shewing the work performed by the different Officers
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REPORT

ON THE

JUDICIAL ADMINISTRATION OF MYSORE,

FOR THE YEAR 1865.

INTRODUCTORY REMARKS BY THE COMMISSIONER.

The Judicial Commissioner's Report is dated May 12. The voluminous tabular statements which it furnishes have been the cause of some delay in the submission of the Report, while the time occupied in printing with care and accuracy such numerous figured returns is so great, that it becomes a question for consideration, whether the Report itself, which could be printed in a few days, should not be submitted to Government in anticipation of the statistical tables.

PART I. CIVIL JUSTICE.

1. The number of Original Civil Suits filed shews a marked increase over the returns of 1864, and though in some measure the causes mentioned by the Judicial Commissioner have tended to swell the files exceptionally, there is little reason to suppose that litigation will diminish, as every day is giving greater value to property of all kinds in the Province.

2. The number of cases decided within the year out of the whole number filed, *i. e.* 96 per cent, is undoubtedly a satisfactory proof of the exertions made by the lower Courts, and of the beneficial supervision exercised over them. The least encouraging part of the return is the duration of cases, on which point I have to offer some observations.

3. It is remarked that the majority of suits are for actions of debt between bankers or traders and agriculturists. As will be seen from para. 9 of the Judicial Commissioner's Report, that officer is of opinion that the rapid disposal of Civil Suits can scarcely be expected from the hard worked class of Mysore Amildars. There can be no question that the duties devolving upon these officials are multifarious and onerous,

but there is much to be said in favor of investing this class with powers to try Civil Suits, rather than to constitute separate tribunals for the purpose. What the Deputy Superintendent is to the District, that the Amildar is to the Talook, and having regard to the fact that there are 84 Talooks in the Province, averaging not more than 320 square miles each, and to the circumstance, as above remarked, that the majority of suits affect the agricultural body, I am of opinion that, independently of the system being in accordance with native predilections, with the convenience of the ryots, and the original constitution of the Mysore Commission, there are administrative and financial advantages in constituting the Amildar's Court as the first of original jurisdiction for suits of small amount. The Establishments of these officers are strong. In 1st class Talooks there are 10 Judicial Gomashtas (5 Civil, 5 Criminal); in 2nd Class Talooks there are 6 Judicial Gomashtas; in 3rd Class Talooks 5; and in 4th and 5th Class Talooks 4. The Amildar is further aided by a Peshkar, and has separate subordinates for revenue work, the number of Gomashtas being the same as in the Judicial Department.

4. I consider therefore that they have ample assistance, and that an Amildar of ordinary capacity should have, in the majority of Talooks, little trouble in transacting his judicial duties. This view is strengthened by the circumstance that in the Chituldroog District, the duration of suits in which is the least favorable, the whole number of suits filed in the year under report is only 643 for 10 Talooks, or at the rate of little more than 2 suits a month on the average in each. In one Talook there were only 5 suits filed in the year; in another 13; a third 14; in a fourth 19, and in a fifth 39. In the Davengere Talook, of which the Head Quarters is a thriving commercial town, the number filed was 190 in the year, or 17 a month. The main disturbing cause of the protracted duration of suits in the Chituldroog District appears to have been the arrears of 1864, which comprised some very old cases.

5. The second of the causes adverted to by the Judicial Commissioner, viz., the difficulty of procuring the attendance of parties and witnesses from Her Majesty's Territory is serious, but does not, under present circumstances, admit of an effectual remedy.

6. I have had for some time under consideration the advisability of forming 3 or 4 circles of Talooks with a central point far removed from the Head Quarters of Districts, carefully selecting such Talooks as present heavy Judicial work, and appointing to each circle a Native Assistant for the sole purpose of relieving the Amildars of the surrounding Talooks of Civil and Criminal cases. About 26 Talooks out of the 84 in the Province would be

comprised in such circles. The cost of such Courts would be for 4 Assistants at 450 (an average 2 at 400 and 2 at 500) 1800, and for 4 Establishments at, say 300, 1200 or 3000 a month. It would be necessary to relieve the Amildars in the Talooks comprised in the 4 circles of all Judicial work, or at any rate of all Civil Suits however trifling in amount, or there would be no relief at all. It would be desirable to give the officers referred to, the powers of Small Cause Court Judges, so as to relieve the Deputy Superintendents and Superintendents of the burden of appeals, but I scarcely think that this would be at present acceptable to the people, or that we could depend upon securing 4 Judges of such attainments as to obviate the necessity for an appeal. The marked contrast in the duration of cases in the Bangalore Court of Small Causes, with what is observable in the Districts shows, however, how much Justice is facilitated by the prompt and efficient action of that Court.

7. The same remarks hold good to a great extent in respect to appeals, which have increased largely during 1865.

PART II. CRIMINAL JUSTICE.

8. The returns under the head of Criminal Justice are in the main satisfactory, and considering the unusual distress which has prevailed in the Province owing to protracted drought and high prices, it is a subject for congratulation that the Criminal statistics are not more formidable. The general action of the Courts has been decidedly prompt and praiseworthy, and the Amildars are entitled to credit for the manner in which they have discharged this branch of their duties. The same causes which operate to produce delay in trying Civil Suits, in so far as the contiguity of the Districts of Her Majesty's Territory is concerned, are apparent in the disposal of Criminal cases. The subject has recently been laid before the Supreme Government, but it is beset with many difficulties.

PART III. POLICE.

9. The Police of the Province is on the same footing as last year. Active local superintendence is the great desideratum, for although considerable activity has been shewn by some of the Deputy Superintendents, and especially by the District officer, of Chituldroog, Lieutenant Cumming, the Native Heads of Police in the Talooks have neither the authority nor the experience which are essential to ensure the detection of crime, and I do not believe that this desirable result can be attained, till there is a European Police officer for each District in subordination to the Deputy Superintendent.

10. The exertions of the Colar Deputy Superintendent in suppressing gang robbery in the hill tracts bordering on Cuddapah are deserving of notice,

but, as will be seen, the wild jungle races in the country South of Mysore have perpetrated some robberies. Their attacks on travellers are however not always attended by violence, and after the commission of the crime they immediately resort to the dense jungles bordering the road, where it is difficult to trace them. This tract is pestiferous, and the police peons who are stationed at the various posts on the main roads, frequently fall sick of fever.

11. The amount of property recovered out of the total reported to be stolen during the year, appears satisfactory.

12. The question of suicides referred to in para. 49 of the Judicial Commissioner's Report is not easy of solution, but I cannot help thinking that crime is frequently concealed under the specious phraseology 'suicide', notwithstanding the well known tendency of natives, especially women, to make away with themselves in fits of anger or despondence.

PART IV. JAILS.

13. The Bangalore Central Jail may, in all respects be called a Model Jail, so far as its internal economy is concerned. In respect to the health of the prisoners, the cleanliness of the building, and the general superintendence, the main credit of all which is due to the Judicial Commissioner himself, there is probably no Jail in India more worthy of approval. The strict employment of the prisoners in indoor labor, however sound in principle, has deprived the station of the services of convicts on many useful local works of a public character, and it yet remains to be seen whether indoor labor, is in reality more profitable than outdoor labor. The removal of prisoners from the Soldiers' Garden and the Government Lal Bagh, though unavoidable, cannot but be regretted.

14. The minor Jails of the Province do not call for any special remark, except that at Shimoga, which is happily now abandoned owing to its unhealthiness, the prisoners being temporarily huddled pending the construction of a new Jail which has been commenced at that station. The several Medical officers in charge of the Jails of the Province have evinced the most laudable anxiety to ensure a satisfactory sanitary condition of the prisoners.

GENERAL REMARKS.

15. In para. 60 the Judicial Commissioner comments upon the inefficiency of some of the Talook officials, and I quite concur with him that the fact is as stated; but it has been my endeavour to mould the material in our hands as far as possible, without enforcing a violent disruption of old associations, which would have produced opposition. * It has therefore been necessary to bear with a good deal of incompetency and some dogged ignorance,

trusting to the working of time and a sense of ambition among the lower subordinates. Education in this Province has, till within the last few years, been very scanty, and confined to influential families, so that the poorer officials can scarcely be blamed for their comparatively limited knowledge. Gradually, we are getting rid of old and worn out Amildars, and as the Peshkars are, as a rule, promoted to such vacancies, I have little doubt that in time a superior class of officials will be found in most of the Talooks.

16. The action of the Small Cause Court at Bangalore has been in all respects most excellent. I do not know that I can say more, except that, in stating this, I express, as I am aware, public opinion.

In respect to paras. 69—71, the orders for the guidance of District Officers

“Para 23. In the general distribution of District
“Distribution “work the Commissioner considers
of Work.” “that the Deputy Superintendents
“should have authority to apportion
“it among their Assistants, either by a separation of
“Departments or by making over certain Talooks to
“the Assistants. Mr. Bowring thinks it highly desirable
“however, that the Head of the District should have a
“complete knowledge of all that is passing in his
“District, and that he should therefore receive all
“reports and petitions himself, and not delegate this
“part of his duty to any Assistant.”—

issued in October 1862 will be found in the margin. No orders to the effect mentioned by the Judicial Commissioner in para. 70 have emanated from the Commissioner's Office, but it is believed that in order to afford ready redress to the people in a difficult country like the

Shimogh District, the Superintendent has delegated somewhat more authority to the Assistants in charge of Sub-Divisions, than was originally contemplated. The matter is now under consideration.

17. I solicit the attention of His Excellency in Council to the exertions made by the Judicial Commissioner to supervise the important Department entrusted to his care, and I feel sure that the Government will consider that he is entitled to thanks for the results reported.

In the discharge of the onerous judicial duties of the Province the merits of the various officers favorably mentioned by him, are also, I submit, not undeserving of notice and approval.

BANGALORE,
20th June 1866.

W. W. W.
Commissioner.

REPORT

ON THE

JUDICIAL ADMINISTRATION OF MYSORE,

FOR THE YEAR 1865.

PART I. CIVIL JUSTICE.

During the year under review, the number of Original Civil Suits which were filed in the Courts of this Province

<p>Original Suits. Appendix A. Table No. 1.</p>	<p>amounted to 17,012, being 3,910 more than the number of suits instituted in the previous year and 9,178 or rather more than double the institutions of the year preceding. The increase in the Nundidroog Division was 4,103, while in the Ashtagram Division it only amounted to 276; as a set off however against the above, there was a falling off in the Nugur Division of 469 suits, which being deducted from the aggregate of the above figures, leaves, as before stated, a net increase of 3,910 in the number of Original Suits filed during the year.</p>
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2. It is, I think, to be expected that with the increasing trade and prosperity of the people litigation will also advance, *pari passu*, but there were also several additional causes at work which may be briefly referred to as having had a tendency to increase the number of Original Suits brought on the files during the past year. Amongst others the introduction of the New Limitation Rules, which came into force on the 1st of March 1865, contributed in some measure to swell the files of the Courts generally, throughout the Province in the early part of the year, as in my past Report I stated I had reason to anticipate would be the case. The introduction of the British Stamp Act or Act X of 1862, which came into force in the Mysore Territory on the 1st of August 1865, had some effect also in disturbing the ordinary current of litigation during the period under review, as for some time previously to its provisions being brought into play, and during the time the contemplated change was under notification for the information of the public, suitors,

anxious to avoid the enhanced cost of litigation which it threatened to entail, took the opportunity thus afforded them to file their suits in considerable numbers under the provisions of the Old Stamp Rules. Although the above disturbing causes had undoubtedly, for the time, some effect in increasing the amount of litigation, it must be borne in mind that such effect was necessarily very partial and of a temporary character, being followed by a reactionary tendency towards a reduced number of institutions during the subsequent months of the year. Major Pearce, the Superintendent of the Ashtagram Division, considers that the payment of the debts of His Highness the Maharajah of Mysore shortly before the commencement of the year reported upon, gave a stimulus to litigation in the Courts of his Division, however this may be, there is no doubt that from the above cause a considerable amount of money, the fruitful source of all litigation, was thrown into circulation both in Mysore and in Bangalore, and it is not unreasonable to suppose that those who had been successful in obtaining payment of their own claims, were soon called upon to liquidate their debts and to satisfy all just demands upon them. In the Nugur Division the apparent decrease in litigation is, I consider, mainly to be attributed to the fact that the inhabitants are mainly agriculturalists, and that many cases regarding landed property which were formerly cognizable by the Civil Courts, are now under the operation of the Rules issued by the Commissioner on the 8th of June 1864, tried and determined only in the Revenue Department. The result of this change has of course been more apparent during the past than it was in the preceding year, as the Rules were not issued until late in 1864, and has exercised a more appreciable influence over the statistical data of the Civil Tribunals of the Nugur Division than over those of the Courts of the Nundidroog and Ashtagram Divisions, the communities of which are of a more mixed character and include the most wealthy and enterprising of the commercial classes of the Province.

3. Inclusive of the arrears of the preceding year the number of Original Civil Suits upon the files of all the Courts in the Province during the year under report was 19,242. Of these 18,455 or about 96 per cent were disposed of within the year leaving only 787 cases in arrears for the current year. This result, showing as it does that the number of suits disposed of during the year under review exceeded that of the preceding year by no less than 6,152, and that the balance left undisposed of at the close of the year was 1,238 less than the corresponding balance at the end of 1864, is decidedly a highly satisfactory one, and while it proves that the Courts have very generally and in a laudable manner responded to the enhanced demand made upon their attention by the necessity of the times, it also testifies to the fact that the arrears of litigation of former years have been worked off; and that with moderate zeal on the part of the subordinate Courts,

their current duties ought for the future under the constant and careful supervision of the superior Judicial authorities to be disposed of with greater expedition and promptitude than has hitherto been the case. In addition to disposing of a much larger number of cases than had been decided in any previous year, I think that it is worthy of note that a very much larger proportion of the suits had to be decided upon regular trial on their merits during the year under review, than in the preceding year. The proportion of suits adjusted by mutual arrangement or decreed on confession of judgment or by consent was respectively 17·59 and 19·36 per cent in the former year, as against 18·01 and 24·48, which were the corresponding figures of the latter year. The proportion consequently of suits decided upon trial in due course being severally for the 2 years 26·55 and 23·64 per cent.

4. Taking into calculation the share which each class of Officers exercising Original Jurisdiction have taken on the above out-turn of work, it will be seen that—

The Amildars of Talooks disposed of 65·68 per cent of the whole number of suits.			
And the Sur-Ameen of Mysore.			
The Assistant Superintendents	do.	8·71	do.
The Judges of the Bangalore Court of Small Causes ..	}	25·20	do.
The Deputy Superintendents of Districts			
	do.	0·41	do.

5. There has been a decrease of 2·91 in the proportion of cases disposed of in favor of the Plaintiffs during the year under report as compared with that of the previous year, the per centage in the former year being 73·45 and in the latter 76·36. The difference is not great and perhaps may be considered like other matters of minor statistical data to have been to a great extent fortuitous. The introduction of the New Stamp Act, has undoubtedly had the effect of checking speculative litigation and the institution of false or vindictive claims, and as evidencing this fact Colonel Dobbs points out in his Report that out of 2,854 decrees passed in his Division since the Stamp Act was introduced, only 200 were in favour of the Defendants. If therefore the slight falling off in the general percentage of decisions in favor of the Plaintiffs for the whole Province requires to be accounted for, I would be inclined to attribute it to the fact that the introduction both of the New Limitation Rules and of the New Stamp Act having been notified to take place from certain specified dates, parties were generally so anxious to get their claims into the Courts either in anticipation of the operation of the latter, or from apprehension of being barred by the former, that they were not quite so careful as they might otherwise have been as to the character of the claims they brought forward under the above exceptional circumstances.

6. The principal staple of litigation in the year under report consisted as usual of actions of debt, and these were chiefly between bankers or traders and agriculturists and were founded upon unstamped documents. These claims were for the most part it is understood founded on transactions of former years when under the operation of the Rules then in force, but few documents were ever stamped when originally executed, as by payment of a fine, a stamp could afterwards at any time when required be affixed. At present money lenders rarely accept bonds on unstamped paper, and as I remarked in my last year's report the agricultural community are believed to be gradually emancipating themselves from the thralldom of debt in which they had been formerly more or less kept by the money lending classes. This is attributable to the increasing prosperity of the country in general, and to the great rise in the prices of all agricultural produce which has taken place during the last few years.

7. As in the preceding year the small proportion of suits above 800 Rupees in amount is the only noticeable circumstance in reference to the pecuniary value of the suits instituted in the year reported upon. Most of the suits for large amounts were instituted in the Mysore District and had arisen it is reported mainly out of the settlement of the debts of His Highness the Maharajah. There were two suits filed in the above District which amounted in the aggregate to the large sum of 2,89,880 Rupees.

8. The value of property which formed the subject of litigation in the year under report amounted in the aggregate to Rupees 26,68,156—7—3½ or to 7,60,523—14—8½ more than in the preceding year, while the average value for each suit on the total number of suits under litigation in the former year was 138—10—7 as against 133—2—3, which was the corresponding figure in the latter year, viz., 1864.

9. I regret to find that my anticipations in regard to the Statistical Returns of the current year shewing an improvement in the average duration of the suits disposed of have not been realized, but that on the contrary the average time during the year under report so far from being less than in the preceding year has increased by nearly 10½ days, and was as high as 87 days. For all the Districts of the Province with the exception of Colar and Mysore a comparison of statistics of the two years, shows the result to be far from satisfactory. The marginal Abstract

Classification of Suits.
Appendix A. Table No. 2.

Value of Suits.
Appendix A. Table No. 3.

Duration of cases disposed
of and pending.
Appendix A. Tables Nos. 4 & 5.

ABSTRACT.

Division.	DISTRICTS.	Average duration for each case disposed of in 1864.	Average duration for each case disposed of in 1865.
Ashtagram.	Mysore	110-03	107-79
	Hassan	101-60	117-09
	Total .	108-19	110-47
Nundidroog.	Bangalore	78-79	101-09
	Bangalore Court of Small Causes ..	12-51	16-42
	Colar	85-34	72-59
	Toomkoor	99-02	141-63
	Total .	63-04	67-01
Nugur.	Shemogah	81-41	135-96
	Cudoor	123-69	138-81
	Chituldroog	88-69	158-75
	Total .	92-28	140-56
	Grand Total ...	76-45	86-97

gives the comparative details on the subject, and to these the attention of the Superintendents will be forcibly drawn with a view to their enforcing on the Officers subordinate to them a greater amount of promptitude and despatch in disposing of their judicial work for the future. It will be seen that the District which stands foremost in the list for unfavorable mention is Chituldroog, while Toomkoor in the Nundidroog Division, stands second. On the whole however, the Returns of the Nugur Division, where the work has been the least heavy, are by far the most unsatisfactory in regard to the average duration

of suits. I am of opinion that in the Bangalore and Mysore Districts the comparatively small increase in the average duration of the suits disposed of may be safely attributed to the fact that the work has increased to a very great extent, and has in fact been doubled within two years, while the Courts have on the other hand not only successfully exerted themselves to keep down all arrears, but have wiped off almost all the cases of very old standing, which has necessarily had the effect of disturbing the general average, and have very materially reduced the number of cases pending at the close of the year as compared with the corresponding figure for the previous year. I am afraid however that the above causes cannot be held to have had much effect in bringing about the unfavorable results which the statistics of the Nugur Division disclose, inasmuch as the work of the Civil Courts in that part of the country has fallen off instead of increasing. The several District and Divisional Officers who have in their reports attempted to explain the matter, have attributed the dilatory action of the Courts to one or other of the following causes, viz., 1st. The difficulty ex-

perienced in getting men in the earlier part of the year to serve the Processes of the Civil Courts, and especially in the Nugur Division, where labor is scarce and owing to the competition afforded by the coffee planting interest commands a high price. The difficulty which was experienced in the earlier part of the year was however to a considerable extent removed by the promulgation of a new set of consolidated Rules for the serving of Processes from my Office during the course of the year, which provided for a more liberal and equitable scale of fees than had hitherto been authorized. 2nd, The difficulty which was experienced in procuring the attendance of parties and witnesses residing in Her Majesty's Territories, and the delay which almost unavoidably occurs in the service of Processes through the Courts of the adjoining Presidencies, which seldom show any great alacrity in facilitating the operations of the Civil Tribunals of this Territory, which although administered by British Officers is still looked upon as a Foreign State. 3rd, The delay which occurred in serving Processes on parties residing in other Districts through the Deputy Superintendents, until authority was granted to the Amildars, whether belonging to the same District or not, to correspond direct with each other in such matters. 4th, Another and very important cause for the increased average duration of suits in 1865, has been that during that period, almost all the old cases which had encumbered the files for the past few years were cleared off and finally disposed of, a result which is satisfactory in itself, but has necessarily had a disturbing effect upon the statistics of the year in the above respect. The above are certainly some of the causes which have had their effect in retarding the action of the Courts, but as most of them have now been removed I can only trust that the duration of Original Suits may be found hereafter to be less dilatory. As long however as the greater proportion of the work falls upon the Talook Courts, I am afraid it will not be found practicable to attain to any very satisfactory amount of expedition, inasmuch as the above class of officials in the Mysore Territory are not only very hard worked, but they are certainly at present rather below the average of Tahsildars or Officers of similar standing elsewhere in point of general intelligence and official experience. Considerable progress has already been made by raising the pay of this class of Native Officials, and as a consequence improving their social and official status and stimulating their self respect, by promoting only men of good character and superior intelligence, and by eliminating the inefficient and worn out incumbents, to obtain a better stamp of Officers for these highly important and responsible posts, but it will necessarily be a considerable time before any complete reform of such a character can be accomplished.

10. The Returns of the Bangalore Court of Small Causes show a trifling increase of 4 days in the average duration of suits. The Judges have in para. 19 of their Report offered a satisfactory explanation on this point,

and as the average duration only amounts to a little more than sixteen days, I do not consider that it calls for any special remark, more especially as the working of the Court is in every respect efficient and satisfactory, and has secured for it the confidence and general approval of the Bangalore community which is necessarily much interested in its operations.

11. On the subject of the Original Suits which were pending at the close of the year under report but little comment is necessary. They were as I have already mentioned very considerably less in number than in the year preceding, and though 19 of them appear to have been on the files of some of the subordinate Courts for a period in excess of 12 months, I have satisfied myself that none of them have been allowed to remain in-standing without good and sufficient reason. The Superintendents, whose attention has been drawn to the subject, have assured me that most of these nineteen cases have been already long since disposed of, and that the remainder will be cleared off without unnecessary delay.

12. The amount realized by the sale of Stamps exclusively for Judicial purposes during the past year was Rs. 63,213—4—0 being 11,705—12—5 in excess of the amount received during the previous year. Including all the items of cost the aggregate amount shown under this head is Rupees 1,28,981—8—4. This figure, compared with the corresponding one of the previous year which was 74,873—13—0 as explained in para. 12 of my Report for that year, shows an increase of Rupees 54,107—6—4 in the total amount incurred by the parties as costs in all the suits disposed of in the year under review. The average cost for each suit was Rs. 6—15—10, bearing a proportion of 5·55 per cent to the average value of each suit disposed of, as against Rs. 6-1-4 in the preceding year, a difference so trivial as to require no explanation or comment.

APPEAL CASES.

13. The total number of appeal cases disposed of during the past year was 1686 or 250 more than in the preceding year, the proportion in which the above work was disposed of by the different Appellate Courts, being as shown below:—

Appeals. Appendix A. Table No. 7.			
By the Judicial Commissioner	disposed of.	10·2	per cent of the whole number
By the 3 Superintendents of Divisions.		25·5	do.
By the 8 Deputy Superintendents.		24·2	do.
By the Assistant Superintendents,			
European and Native, vested with			
appellate authority.		40·1	do.

14. The subjoined abstract exhibits the proportion of cases appealed

to those appealable, and of the cases in which the decisions were reversed, modified or remanded to those appealed.

Abstract.

	1865	1864	Increase.	Decrease.
Number of cases appealable	5,434	3,794	1,640	0
Number appealed	1,796	1,647	149	0
Number reversed, modified or remanded	513	455	58	0
Per centage of cases appealed to cases appealable	32.55	43.36	0	10.83
Per centage of cases reversed, modified or remanded to cases appealable ..	9.44	11.99	0	2.55
Per centage of cases reversed, modified or remanded to cases appealed. . .	28.56	27.62	.94	0

15 The results shown by the foregoing comparative statement are, I consider, satisfactory, as evidencing on the part of litigants a greater tendency to rest contented with the decisions of the Courts of Original Jurisdictions, without indulging unnecessarily and on insufficient grounds in the exciting speculation of an appeal to a higher tribunal, inasmuch as the number of cases actually appealed in proportion to the number appealable, is less by more than 10 per cent.

16. The average duration of appeal cases disposed of was, I regret to state, as in the case of Original Suits rather more unsatisfactory in the past year than in the preceding, but I do not know that I can add any thing to the remarks which I have made on the latter subject in accounting for this unfavorable state of things, beyond stating that I have ascertained that all the old cases which had been allowed unwarrantably to encumber the files of some of the Appellate Courts, and which have materially affected the average calculations in respect of duration, have now been disposed of and removed from the files. There were only 110 appeal cases pending at the close of the past year in all the Courts having appellate jurisdiction within the Province, as against 211 in the preceding year, and of these there were only two which had been filed more than 6 months, while none were of older standing than 8 months, which shows that the Appellate Courts generally have made equally commendable exertions with those of Original Jurisdiction to clear off all old work and to start from the commencement of the current year with comparatively clear files.

17. Including the arrears of the preceding year, the applications for the execution of decrees which the Courts had to dispose of during the year under review amounted to 8513. Of these 7644 or more than 89 per cent have been disposed of, the average duration being 3 days

Execution of Decrees.
Appendix A. Tables Nos. 10,
11 & 12.

shorter than in the previous year. There were only 869 applications pending in arrears before all the Courts on the 31st December 1865, of these several were of old date, and should not have been allowed to encumber the files as no reasonable prospect of recovering further sums in behalf of the decree-holders could apparently be entertained. The attention of the Superintendents will be drawn to the necessity of having such cases brought to a close, and also of checking the practice which has grown up under the former system of procedure which obtained in the Mysore Courts, viz., of investigating every objection or claim put forward in regard to the proprietary right of property found in the possession of the Judgment debtors, and brought under attachment in execution of the decrees of the Courts.

18. The aggregate amount which was recovered through the agency of the Courts in connection with the whole number of decrees which were brought under execution was Rs. 4,38,417—4—8. Of this amount Rs. 1,58,211—2—2 were recovered by the sale of the immovable or movable property of the Judgment debtors. In connection with suits involving Rs. 6,187—0—11, the Judgment debtors suffered incarceration in the Civil Debtors Jails for different periods. The proportion of the sums decreed in relation to which coercive measures were taken respectively against the property or the person of the Judgment debtors was severally 36 and 1 per cent.

19. The whole number of Miscellaneous Cases, Petitions, &c, which were under disposal by the Civil Courts during the year reported on amounted to 204,621. With the exception of 1,105, the whole of the remaining number were cleared off within the above period.

20. In the year under review 119 persons were received into the Civil Debtors' Jails, of which number 107 were taken into custody in pursuance of warrants issued by the Judges of the Bangalore Court of Small Causes. There were 10 Civil debtors in confinement on the 31st December 1865. Of the prisoners who were discharged within the year, only 4 had remained in custody for upwards of 3 months, and none during a longer period than 5 months.

21. The exertions of the Courts in regard to the realization of Fees and Fines during the year under review appear to have been commendable. Under the above head of accounts there was a balance of Rs. 3,814—7—1¹ outstanding at the commencement of the year under report, but notwithstanding that the large sum of Rs. 21,967—14—3 had been imposed during the year as Fees upon the suits which had been filed previous to the introduction of the Mysore Revised Stamp Rules, but which had been decided during the

year under report, the Courts have been enabled to show a nearly clear account under this head, the balance out-standing at the close of the year comprising only the very trifling sum of Rs. 321- 11-11 as the aggregate of unrealized Fees and Fines. Including the arrears of the preceding year the total amount to be recovered was Rs. 25,782-5-4. Of this amount Rs. 20,538-13-5 were actually recovered and Rs. 4,921-12-0 were remitted as irrecoverable, results which may be considered in all respects satisfactory, and are certainly indicative of a zealous attention on the part of the Courts to the necessity of bringing to an early adjustment and close the above item of Judicial accounts, which is a remnant of the former system of Judicial procedure.

PART II. CRIMINAL JUSTICE.

22. The aggregate number of cases and prisoners brought for trial before the Criminal Courts during the year under report was 14,154 cases and 26,137 prisoners. Excluding the cases and prisoners remaining under trial at the close of the preceding year, the new cases and prisoners actually received during the former year were 14,031 and 25,853 respectively, showing a decrease of 448 cases, but an increase of 419 prisoners in comparison with the corresponding figures of the latter year, differences which do not at first sight appear to be susceptible of being accounted for on any very clear principle of statistical computation or doctrine of Political Economy, unless it be that during seasons of scarcity larger bodies congregate for Criminal purposes than at other times, but the above exciting cause would have a similar tendency to increase generally the amount of crime, which does not appear from the Criminal Returns when compared with the tabulated statistics of the preceding year to have been the case during the year under review.

23. With the exception of 102 the whole of the above 14,154 cases were disposed of before the end of the year in the following proportions, viz :—

By Amildars	79.95 per cent	of the whole number	
disposed of.			
By Assistant Superintendents	8.61	do.	do.
By the Cantonment Magistrate	6.95	do.	do.
By Dy. Supts. as Dist. Magistrates ..	2.65	do.	do.
By Dy. Supts. as Asst. Sessions Judges			
under Act XV of 1862	0.3	do.	do.
By Supts. as Sessions Judges	1.45	do.	do.
By the Judicial Commr. under Chapter			
XVIII of the Criminal Procedure			
Code in confirmation or otherwise	0.08	do.	do.
of sentence of death			

24. The per centage proportion of prisoners convicted and acquitted respectively after trial to the total number disposed of, was severally 47·86 and 18·80, thus leaving the 33·84 per centage ratio of prisoners who died, absconded, or were discharged, &c., before trial.

25. In 592 cases involving 1250 prisoners, the trials were conducted with the aid of Assessors or Panchayetdars, and in all these cases, with the exception of nine which related to 41 prisoners, their verdicts or rather opinions were concurred in by the Courts. Of the above 41 prisoners, in regard to whom the Courts found it necessary to pass decisions in opposition to the views of the Assessors, 15 were convicted and 26 acquitted, a result which speaks very satisfactorily on the whole for the judgment displayed by the Assessors, and for the character of the assistance which they are calculated to render to the Sessions Judges, when they have been carefully selected on the score of their general intelligence and known trustworthiness of character.

26. The number of prisoners sentenced to death and executed during the past year was exactly the same as in the preceding year, viz., 12; but the number transported for life was only 11 or 26 less than in 1864.

27. There was an increase of 59 prisoners in the number sentenced to suffer corporal punishment. As in the preceding year, I have submitted herewith Supplementary Statements A, B and C, giving in a tabular form detailed information as to the number of prisoners sentenced to the above punishment under the provisions of the Whipping Act, and the offences of which they were severally convicted. In all other respects there does not appear to be any thing which calls for any special notice.

28. The average amount of fine for each case in which the offenders were sentenced to pay fines was Rs. 11-4-10, while the average fine inflicted upon each prisoner who was thus punished was Rs. 8-0-8, results which are nearly identical with the corresponding figures of the preceding year.

29. The great majority of the Criminal Cases on the files were disposed of with considerable despatch, and only a small minority were allowed to remain for any length of time upon the files of the Magisterial authorities and of the Sessions Judges. The proportion of 29·41 per cent were cleared off the same day, 41·69 per cent within a week, 19·48 per cent within a fortnight, and 9·33 per cent within 6 months, while 9 cases appear from causes more or less exceptional to have remained under disposal in 9 distinct and different Courts for periods considerably in excess of the above term. The length of time during

which these individual cases were kept pending has affected to some extent the general average which for the year under report appears to have been 9·19 days as against 6·70 days, the average duration of the year previous, but I do not think that the actual result is in itself an unfavorable one.

30. On the 31st of December 1865 there were only 102 cases remaining undecided in all the Criminal Courts of the Province, as against 123 in the preceding year. Of the 102 cases 30 only were of longer standing than one month, and of these but 5 appear to have been pending for a period exceeding 3 months. The date of the oldest pending cases was the 5th of August 1865.

31. In the year under review 210 appeals in cases involving 471 prisoners appear to have been preferred from the decisions passed by the several Criminal Courts of the Province. In the Court of the Judicial Commissioner 20 appeals from the decisions of the Sessions Judges were filed, while 29 cases were received for revision under the provisions of Chapter XXIX of the Criminal Procedure Code. There were only two appeal cases pending at the end of the year and these were in the Court of the Deputy Superintendent of the Bangalore District, but they were both of short duration, having been received on the 6th December 1865.

32. The average duration of each appeal case disposed of was however 29·40 days. This was slightly longer than in the previous year, but when it is considered that the period comprises the time occupied in sending for, under precept, and receiving from the Lower Courts the original proceedings in the case as well as in reviewing the same, I am disposed to think that the duration is by no means excessive, though it might of course with advantage be reduced.

33. The proportion of appeals filed, and of cases received for revision under the provisions of Chapter XXIX of the Criminal Procedure Code to the aggregate number of cases appealable was 2·97 per cent, while that of cases in which the Sentences or Orders of the Lower Courts were either modified or reversed, to the whole number received in appeal or forwarded for revision was 46·12, results which differ but little from the corresponding comparative statistical data of the preceding year.

34. During the past year 81 European British subjects, in connection with 79 cases, were brought up on Criminal charges before the Magistrate of the Bangalore Cantonment acting in his capacity as a Justice of the Peace. In three of the above cases the prisoners were duly committed to the High Court

Duration of Cases pending.
Appendix B. Table No. 5.

Appeals. Appendix B. Tables
Nos. 6, 7 and 8.

European British Subjects.
Appendix B. Tables Nos. 9 & 10.

of Judicature at Madras. One of these three cases related to the offence of cheating and criminal breach of trust, while the prisoner in another case was charged as a servant with the commission of theft. The remaining case was one which created a good deal of notoriety at the time, in which a Cornet of a Cavalry Regiment was charged under several counts of the Penal Code with having horsewhipped the sub-editor of the "*Bangalore Herald*." The remaining 76 cases were disposed of by the Contonment Magistrate himself in his capacity of Justice of the Peace. 14 of the prisoners involved in the above cases being acquitted, while the remaining 64 were sentenced to fines not exceeding Rs. 100 in each case, or to short periods of imprisonment not extending beyond one month. In the outlying Districts 3 European British subjects were also convicted of the offences with which they were severally charged, and were sentenced by the Local Justices of the Peace to fines not exceeding in each case the above limit.

35. Though there were 247,178 Miscellaneous Cases, Petitions, &c., to be disposed of during the year under report, only 965 remained in arrears at the end of the year in all the Courts of the Province. This result although satisfactory does not appear to call for any comment.

36. Including the balance of the preceding year the aggregate amount which was set down as recoverable under the head of Fines during the past year was Rs. 146,450-2-4. Of the above amount Rs. 63,908-14-6 was actually realized, Rs. 20,210-13-11 of the same, being in accordance with the terms of the sentence paid over as compensation to the injured parties under the provisions of Section 44 of the Criminal Procedure Code, and the remainder duly credited to Government. The balance outstanding at the close of the year was Rs. 82,541-3-10, which is apparently a large item, but does not call for any special explanation, as the Criminal classes are notoriously in all parts of the world an unthrifty and improvident set, and even when able to make good the amount of the fines imposed, usually elect to expiate their offences in Jail under the alternative term of imprisonment awarded them in default of payment, in preference to parting with their, in too many instances, ill-gotten gains.

37. Under the provisions of Section 270 of the Criminal Procedure Code, the total amount recovered from complainants and paid as amends to the accused parties in cases of frivolous and vexatious complaints was Rs. 252—11—1, while a balance of Rs. 81-7-0, was outstanding at the end of the year on the above account for future collection.

38. The value of property confiscated to the Mysore Government under the Provisions of Section 184 of the Criminal Procedure Code during the year under review did not amount to more than Rs. 135-12-7.
- Property forfeited and confiscated.
Appendix B. Table No. 14.

PART III. POLICE.

39. Under this head, I stated in my last year's report that with a view to the submission of a strictly accurate return of crime for that year, I had circulated through the Superintendents of Divisions for general adoption, certain tabulated forms of Statements to be regularly kept up in the District Courts and in the Office of the Cantonment Magistrate, but that for reasons stated, I was unable to submit the requisite statistical data of crime for the Province for that year in the form I had intended. I have now however been furnished by all the Superintendents with Returns showing the state of crime in their Divisions during 1865, in accordance with the form prescribed for the purpose. The result exhibited by these Returns is on the whole favorable. In the year under review, the aggregate number of offences reported to have been committed amounted to 19,975 for the whole Province, or 1,525 less than in the preceding year, when the record of criminal occurrences was not so accurately and systematically kept up. A decrease is likewise apparent in the number of persons reported to have been implicated in the commission of crime, the number being 37,689 in the year under report as against 38,852, which was the number of the previous year.
- State of Crime.
Appendix C. Table No. 1.

40. The decrease in the number of offences appears to have been principally under the head of bailable offences, as the number of non-bailable offences exhibited, as was reported in the two consecutive years between which the comparison is now being drawn, appears to have been nearly equal, the number in the year under review being 5,279 and in the preceding year 5,339, showing a decrease of nearly sixty cases. On the other hand the number of persons reported to have been implicated in offences falling under the last mentioned general classification of crime during the former year being 9,451, was greater by 427 than the number of Criminal offenders under the corresponding heading in the year 1864, as however the statements of complainants in regard to the numbers of their assailants in cases of gang robberies and other similar crimes of violence, are generally as vague and exaggerated as they are with reference to the value of the property stolen from them, I do not attach much importance to these numerical statistics or consider them to afford any thing beyond an approximate indication, more or less correct, of the numbers actually implicated in crime during any

particular year, and I certainly do not consider that the above figures whether, of decrease in the actual number of cases or of increase in the reported number of criminals supposed to have been implicated in such cases, trivial as they are in both instances, can be held to affect to any appreciable extent the comparative Criminal Statistics of the 2 years, and at any rate the latter cannot be held to detract from the otherwise generally favorable character of the result as to the state of crime in the Province during the past year of comparative scarcity and high prices.

41. The heads of offences under which the decrease is worthy of notice, are as follows:—

Crime.	Penal Code.	1865.	1864.	Decrease.
Murder, Murder with dacoity, Sections 302, 303	302, 303			
Attempt to Murder, Thuggee and abetment of Suicide.	305 to 307 311 & 396	68	72	
Culpable Homicide not amounting to murder. .. }	304	14	16	2
Kidnapping. }	363 to 369	58	59	1
Rape. }	376	9	18	9
Theft and attempt to commit that offence with forcible assault. }	379 to 382 356 & 511	4060	4176	116
Extortion by causing fear of death, &c. }	386, 389	2	4	22
Robbery.	392 to 394 & 397	107	132	25
Criminal breach of trust	406 to 409	202	251	49
Receiving Stolen property	411 to 414	66	70	4
Mischief. }	436 to 440	34	76	42

42. Under the following heads the Returns exhibit an increase over the corresponding figures of the preceding year.

Crime.	Penal Code.	1865.	1864.	Increase.
Dacoity Sections 395, 398 to 400 & 402.	395, 398 to 400 & 402.	71	70	1
House-trespass and House-breaking. }	449 to 460	453	407	46
Forgery. }	466 to 468 & 477	25	14	11
Offences relating to coin, 232 to 239, 240 to 249 & 254	232 to 239, 240 to 249 & 254	51	40	11

43. It may be as well to remark that the details given above for 1864 having been obtained from Returns showing the whole amount of crime reported, will not be found to correspond accurately with the details given in paras 41 and 42 of my report for last year, as the principles on which the latter were computed were not identical, but were obtained for the most part from a review of the cases brought to trial.

44. The largest proportion of Dacoities appear as in the preceding year to have been committed in the Frontier Talooks in the year under review, but the particular localities wherein they were committed were different in both

years. The crime occurred mostly in 1864 in the Talooks to the East and North-east bordering on the Cuddapah District, but the scene of action during 1865 was changed to the Talooks to the South and South-west in the Ashtagram, Division principally bordering upon the Jungle tracts of the Coimbatore and Malabar Districts of the Madras Presidency. The facts recorded by me in my last year's Report in relation to the breaking up of the gangs of quasi professional Dacoits in the Cuddapah District, through the energy and exertions of the Joint Magistrate of that District, Mr. Moloney, and the co-operation of the authorities of the Colar District, have doubtless contributed to the above result in a very marked degree, and certainly account for the peace of the Province on its North-eastern frontier not having been disturbed as before by the inroads of Dacoits.

45. The dense Jungles to the South of the Ashtagram Division afford great facilities not only for the assembling together unobserved of organized gangs of Dacoits, whether drawn from Her Majesty's Territories or from the Criminal population of the Mysore Districts, but also for their evading pursuit and escaping across the frontier with their plunder unmolested. Taking into consideration the nature of the country and the vast extent of the Jungle tracts which form our frontier line to the South and South-west of Mysore, I question very much whether any ordinary description of Police Force which could be raised, would be found sufficiently effective to cope directly with and to repress by forcible means this particular form of crime, unless they met with the cordial co-operation and vigorous assistance of the great mass of the population, but this is hardly to be looked for here. The perpetration of this description of crime undoubtedly meets with considerable facilities from the extreme supineness and cowardice of the people themselves, who are but seldom known to defend themselves and their property, or to make any attempt either to repel their assailants or to follow them up when making away with their spoils.

46. Although the legitimate scope of a report like the present will not admit of my detailing at any length individual cases of crime which have occurred during the past year, I think that it may be as well by way of exception for me to refer briefly to a case of murder of a peculiar and singularly cruel character, which the Superintendent of Ashtagram has brought prominently to notice in his Report as having occurred in the village of Melgode in the Hassan District, and which betokens on the part of all concerned an amount of ignorance and superstition for which one is hardly prepared in the 19th century. The victim of the murder was a Native Christian boy aged 9 years, the only son of a widow residing at Gowdana hully. He was at the instigation of the Shanbogue, Potal and several inhabitants of Melgode kidnapped in a systematic and pre-meditated manner, and was then

deliberately murdered by the Cooloowady or watchman of the village, being offered up as a human sacrifice to ensure the stability of the embankment of a tank, the breach in which had for the second or third time been repaired by the joint contributions of the instigators of the crime. The case would in all probability have never been brought to light if it had not been for the exertions of the Catholic Priest residing in the neighbourhood who became acquainted with the facts of the case, as every endeavour was made to conceal the crime from the authorities. "In the face of many difficulties" as Major Pearse reports "the principal actor and the abettors in this cruel murder were brought to trial and convicted. The individual who actually committed the deed, viz., the Cooloowady, underwent sentence of death, and all his accomplices or abettors were transported for life."

47. The aggregate number of non-bailable offences which have been reported during the year under review amounted as already mentioned to 5,279, after deducting the cases which are reported to have been ascertained either not to have been committed or to have been wrongly placed under the above category, it would appear that 13·6 per cent in the number of the offences appear to have remained undetected at the end of the year under report.

48. The value of property reported to have been stolen or otherwise lost in connection with Criminal offences amounted during the year under review to Rs. 3,03,325—6 —0. Deducting from this sum the value of property which was ascertained not to have been stolen or made away, or the amount of which was found to have been exaggerated, the aggregate value of the property actually proved to have been lost may be set down at Rs. 1,89,073—11 —2. Property worth Rs. 1,10,101—2—8, or more than 58·2 per cent of the whole amount is shown to have been duly recovered or made good by the imposition of fines on the delinquents in cases brought to trial to the injured parties. The average value of property proved to have been lost in each case was Rs. 13—15—0.

49. The number of Suicides shown in this Return as having occurred during the past year is 148 or 21 more than in the Accidental deaths, Suicides, &c., Appendix C. Table No. 2. previous year. The return shows also that 2,220 deaths have occurred from accidents. This number as compared with the corresponding figure of the previous year shows an increase of 1,007. The increase in the Chituldroog District was nearly cent per cent, while in the Toomkoor District it amounted to nearly 200 per cent. The whole number of deaths under the particular head referred to in the latter District alone amounted to 1,146, or were nearly equal to the aggregate number reported to have occurred throughout the whole of the Province in

the previous year. Neither the Deputy Superintendent of the District nor the Superintendent of the Division have offered any explanation in regard to this apparently extraordinary increase, which I cannot but consider must have arisen out of some misconception of instructions or erroneous system of computation on the part of the Amildars in the above District, who have been charged with the preparation and compilation of these statistical returns. I think it is highly probable that deaths by cholera may have been erroneously included in the return. The attention of all the officers concerned has been directed to the subject, and special reports have been called for from the Deputy Superintendents of Chituldroog and Toomkoor, in relation to the remarkable increase of alleged accidental deaths noted in their District Returns.

PART IV. JAILS.

50. There were at the close of 1864, 99 Prisoners in custody under trial, and 2408 convicted Prisoners in all the Jails of the province, while during the year under report there were 5021 Prisoners under trial and 2327 Convicts, making an aggregate of 5120 Prisoners under trial and 4735 Convicts. Of the above numbers 140 Prisoners remained under trial at the close of 1865, and 1653 Convicts remained in Jail undergoing their respective sentences. The daily average of both descriptions of Prisoners in all the Jails and Lock-ups of the Province amounted to 1785·54 as against 1840·81 of the preceding year.

51. This table is satisfactory in so far as it indicates improvement in the sanitary condition of the Prisoners in general, but notwithstanding that the proportion of sick to strength for the year was less than in the preceding year, I regret to find that the casualties were greater, and that the bills of mortality show on the whole an unfavorable result when compared with those of the latter period. The number of Prisoners who died during 1865 appears to have been greater by 40 Convicts and 6 under trial Prisoners than in the preceding year, the whole number of deaths among the two classes of Prisoners being respectively 154 and 16, as against 114 and 10 which were the corresponding figures of the previous year. Cholera carried off 19 Prisoners, of whom 18 succumbed to that insidious and fatal disease in the Shemogah Jail at a period when the epidemic raged with great violence in the neighbourhood.

52. In the Central Jail there were 42 deaths during the year, of which 4 were attributed to fever, 10 to dysentery, 1 to cholera and 22 to other diseases. Of the Prisoners in the Central Jail a very large proportion died from diseases incidental to old age, the latter in itself being a fruitful and very certain cause

of death. There have been confined for many years past in the Jails of Bangalore, as a legacy from the Thuggee department, a large number of reputed Thugs and Dacoits, who were sentenced to imprisonment for life some 25 or 30 years ago, at a time when there was an officer of the above Department posted at Bangalore.

Of the above description of prisoners several have died during the past year, and there are still some 30 or more who must in the ordinary course of nature die within the next year or two, and will of course help very considerably to swell the bills of mortality in the Central Jail as they are very decrepid, in many instances blind or palsied, and have scarcely strength to move about from place to place. It is questionable whether their release from Jail would be consistent with true humanity or not, as their relations have in all likelihood long since passed away, and they could only obtain their livelihood by mendicancy; but Colonel Hervey the General Superintendent for the suppression of Thuggee, during his recent visit to Bangalore, expressed a very strong opinion with regard to the inadvisability of releasing any prisoner who had once been convicted of being a Thug. He stated that although they might themselves be physically incapable of committing crime in their own persons, such men are never likely to abandon altogether their former professional tastes and propensities, and it is by no means improbable that they might be found (as in instances which had come under his own observation) busying themselves in going about under the pretence of begging to find suitable victims to be plundered, in instigating others to crime, and in organizing gangs of Thugs and Dacoits, and in instructing them in the mysteries of their diabolical trade.

53. The subjoined abstract gives the per centage of sick Prisoners to the total number of Prisoners under confinement, and of the number of deaths to both the above numbers.

Per centage of deaths to the total number of Prisoners admitted.	Per centage of sick to the total number of Prisoners.	Per centage of deaths to the total number of Prisoners.	Per centage of sick to the total number of Prisoners.	1885.		1884.		Increase.	Decrease.
				1885.	1884.	1885.	1884.		
Convicts .. ..	..	..	..	48.14	57.2	0	9.6		
Under trial Prisoners ..	..	..	..	82	49	33	0		
Total	24.05	26.4	0	2.35					
Convicts .. ..	..	..	..	3.25	1.72	1.53	0		
Under trial Prisoners ..	..	..	..	31	13	18	0		
Total	1.72	85	87	0					
Convicts .. ..	..	..	..	6.61	3.13	3.48	0		
Under trial Prisoners ..	..	..	..	38.10	29.41	8.69	0		
Total	7.17	3.37	3.80	0					

54. As in previous years by far the greatest amount of sickness as well as of mortality whether in respect of strength or not occurred at Shemogah.

This fact is attributable to the more or less unhealthy character of the station itself, but mainly to the particular locality in which the old Jail was situated. The pestilential character of the above place has been so often brought to the notice of Government that it will not be necessary to dilate further on the subject, more especially as temporary buildings for the accommodation of the Prisoners in the neighbourhood of the site for the new Jail have been erected, and the Prisoners have been long since removed to them. A new temporary hospital has also been constructed, and the Superintendent reports that the amount of available accommodation in connection with the temporary buildings is being extended, and that the prisoners are already looking somewhat healthier.

55. Proportionately to the decrease in the number of prisoners admitted into the Jails, there was in the year reported, a diminution in the total amount of cost incurred in the maintenance of the Prisoners. The total cost under all heads of account in the Jails of the Province was Rs. 1,41,854—11—8 as against Rs. 1,52,612—5—7 of the preceding year. The average daily cost for each Prisoner was As. 3 Pies 6, in the year under report, as against As. 3 P. 8 in 1864. This reduction in cost, though small, is satisfactory, inasmuch as it has been obtained in spite of the price of provisions having been considerably increased during the course of the year under report.

56. I have omitted to furnish for the past year any statements showing the nature and estimated value of the work performed by the Prisoners. I stated in my last year's report that I could not vouch for the accuracy of the calculations given in the statement or for the correctness of the principles on which they had been computed. I could have furnished a similarly prepared statement for the past year, but upon examining some of the returns sent in from the outlying Districts, I was so impressed with the fallacious character of some of the computations and the apparent diversity of principle on which some of the average results had been obtained, as well as the difficulty of estimating the out-door work performed by the Prisoners in some of the outlying District Jails and Lock-ups, that I thought it would be better to omit to furnish the statement for the year under report than to supply statistical data of somewhat doubtful accuracy, which as being calculated to mislead are worse in my opinion than none. I have every reason to hope that the Returns which are being now furnished month by month for all the Jails, will enable me at the close of the current year to furnish strictly accurate and satisfactory results for the above period with my next Report.

57. The system of dry earth conservancy has been introduced with great success in all the Jails of the Province. I subjoin from the interesting

Annual Medical Report on the Bangalore Central Jail, submitted by Doctor Oswald to the Inspector General of Hospitals, the following extract on the subject of its conservancy arrangements.

" Extract."

" The dry earth system is in full operation throughout the whole of the Prison and nothing can be more perfect. Large Conservancy Arrangements. privies have been erected just outside the boundary wall at the S. W. corner. A trough runs down each side of a long narrow building in which is placed a layer of dry earth, down the centre runs another large trough filled with dry earth from which each prisoner takes sufficient to cover his fæces in the side troughs, and then goes into a narrow verandah immediately outside, where there are troughs filled with water and a semi-circular asphalted gutter running the whole length of the building for them to wash in, the water running away immediately by a channel to some distance outside the building. A large room has been erected at one end of the privy for the storage of the dry earth. The poudrette is removed daily to a shed some distance from the privies and is eventually used as manure. I have frequently been in this privy in the morning when the poudrette containing the fæces of some 700 to 800 men was in course of being removed, and there was nothing to offend the most fastidious."

" In the compartments of each sleeping barrack (males and females) two square stone troughs have been placed, one of which is filled with dry earth and the other receives the evacuations, these are cleaned out every morning. I have never once at my weekly inspection found the slightest offensive smell from any of them."

" The day privy for the women is on the same principle as the other."

" In the male Hospital tubs are used at night instead of stone troughs, and these are carried out daily. A day privy is much required for the Hospital, those who are able go to the general privy, and those who are not, use what is intended for the dead room as already mentioned. It appears to me that the whole system is as near perfection as any thing can be."

" The Jail being on slightly sloping ground the drainage of the whole is excellent, all the drains being lined with granite."

GENERAL REMARKS.

58. Although during the past year but few fundamental alterations of system were introduced into any of the branches of the Judicial administration, the period was one of considerable progress, and was mainly devoted to

the consolidating of the arrangements which had been previously inaugurated at the time of the re-organization of the administration and in instructing the subordinate authorities on all matters connected with their Magisterial and Judicial duties.

59. A very marked improvement has been perceptible in the preparation of their cases by the Talook Magistrates, and they have evinced not only a more accurate knowledge of the Rules of Procedure laid down for their guidance in the Civil and Criminal Departments, but a more satisfactory and critical appreciation of the general Principles of the Law of Evidence than was at first apparent.

60. There are however still many of the present class of Amildars whose general intelligence and mental culture are far below the average requirements which should be found in officers of the above responsible position, to qualify them for the efficient and satisfactory discharge of their Judicial duties. Several of the Peishkars of Talooks have upon the recommendation of the Superintendents of Divisions been invested with Judicial functions, which enable them to carry on the current duties during the absence from the Talook Head Quarters of the Amildars on leave or on duty connected with the Revenue Department, and to qualify themselves for advancement to the higher grade. The majority however of the Peishkars of Talooks have not yet qualified themselves for Judicial functions, and consequently have not been vested with powers to decide cases either in the Civil or Criminal Department. Many of the present incumbents are very inefficient, and even if they should be successful in retaining their posts can never aspire to rise above their present rank. I am of opinion that the District authorities should invariably exercise the greatest care and circumspection in selecting for the grade of Peishkars none but competent, trustworthy, and well educated men, such as are not unfrequently to be found in the Head Quarter Offices, as it is from the above grade that competent men to fill the more important and responsible post of Amildar will mainly have to be drafted. To obtain promotion to the latter grade ought to be the legitimate ambition of every Peishkar, and in order to fit them for the post it is requisite that they should be carefully trained and instructed in their duties. If due attention to this subject be paid by District officers, the result will amply repay them for their trouble and exertions, while on the other hand, if they content themselves with a merely nominal and lax supervision of the work of the Talook subordinates, Peishkars as well as Amildars, it will be almost hopeless to expect any very marked improvement in the Judicial administration of the Talook Courts.

61. Many of the Amildars who had had but little previous insight into

Judicial work have found it rather uphill work in the midst of the variety and multiplicity of their daily engagements, to qualify themselves for the thoroughly efficient discharge of their duties, but on the whole I consider that they have shown an earnest desire to improve themselves and have made very considerable progress in acquiring a mastery over the general principles of Law and the details of Procedure. The working of the Penal and Criminal Procedure Codes is becoming daily more familiar not only to the Talook and District authorities generally, but to the people themselves, who appear thoroughly to appreciate the advantages they have derived from the introduction of an intelligible and well defined system of Criminal Law and Procedure such as has been laid down in the above Codes.

62. In my last year's Report, I alluded to the criminal powers with which Captain Magrath, the Commissariat Officer in charge of the depôt at Hoonsoor, had been invested, but owing to the abolition of the latter establishment during the year under review, and to his own transfer to Madras, he ceased to exercise Magisterial functions during the year under report, and the necessity for having an officer on detached magisterial duty at that station is not likely again to occur.

63. In the month of January 1865 the jurisdiction of the Bangalore Small Cause Court was extended to the cognizance of cases arising within the Pettah or Town of Bangalore, but it was at the same time left optional to suitors to bring their suits in the Small Cause Court or in those of the District or Bangalore Talook. This extension of the territorial jurisdiction of the above Court has led to a considerable increase in the number of suits which have been brought under adjudication by the Judges, and has evinced in a marked manner the confidence with which their decisions are received; as it has been found that the public in general have fully appreciated the prompt and summary procedure of the Court and the efficiency of its operations, I have in compliance with the memorial addressed to me by some of the leading Merchants, Trades-People and others of Bangalore recommended the further extension both of the pecuniary and territorial jurisdiction of the Small Cause Court, but as this has taken place during the course of the current year, it will form a more legitimate subject for comment in my next than in my present Administration Report. Mr. Lancelot Ricketts as First Judge, and Mr. Numboor Krishna as Second Judge, still continue to preside over the Small Cause Court. Both officers continue to maintain the high character they have always held as able, painstaking, and efficient Judges, and there can be no doubt that the Court as at present constituted is a deservedly popular and successful institution. The Administration Report of the Judges which accompanies the present Report, is so full and comprehensive in its character

that I do not propose to enter upon any resumé of the same but will leave it to speak for itself. The statistics of the Court which show the very satisfactory working of its operations have been duly incorporated into the general Returns for the province which accompany the present Report.

64. One of the most noticeable alterations of system which was introduced during the year, was the transferring from the Deputy Superintendents to the Superintendents of Divisions, the power of hearing appeals from the decisions passed by the Native Assistant Superintendents vested with full powers. This has had the effect of relieving the appellate files of the District officers at the expense of those of the Superintendents. It is a measure which has been decidedly popular with the Assistant Superintendents themselves, who considered it to be rather derogatory to their position, as it certainly was somewhat anomalous, that their cases should be reviewed by officers exercising co-ordinate Magisterial and Judicial powers with themselves, and I am inclined to think that the alteration of system referred to, is calculated to a certain extent to raise the official status of the Native Assistant Superintendents and to give them a greater interest and pride in their work, while it has also had the effect of curtailing somewhat the number of appellate sieves through which litigants are so fond of endeavouring persistently to have their cases passed.

65. I have already alluded to the practical introduction of an amended set of Limitation Rules in the early part of the year, and of Act X of 1862 or the British Stamp Act some months later, throughout the province. Several other Acts of the Imperial Legislature have also been extended to Mysore and Coorg during the past year.

66. In May 1865 a set of consolidated rules in reference to the execution of Civil processes was circulated for the guidance of the Courts with the concurrence of the Commissioner, and although the introduction of the above rules was accompanied by a slight increase to the cost of litigation (as process servers were no longer to be procured at the rate of remuneration which sufficed 20 years back when the cost of living was far less than it is at present) I am given to understand that the measure has been found to work well and to have greatly facilitated the operations of the Courts.

67. A set of simple rules for the conservancy of the Talook Cusbahs and Towns, with a scale of petty fines imposable for their infringement, and for the breach of sanitary regulations was also framed and issued. These rules have been found of great practical utility, inasmuch as they have conferred upon the Amildars the requisite authority to dispose of petty cases of nuisance &c., without the necessity of referring to the District officers for special instructions, which entailed vexatious delays, and to a great extent precluded or

at any rate impeded all measures of sanitary improvement excepting at the District Head Quarters.

68. The Superintendents of Divisions without exception report that the introduction of the Whipping Act has been attended with beneficial results. Majors Pearse and Elliot, c. b., are of opinion that the punishment is more dreaded by the lower classes from whom the criminal population is mainly drawn than incarceration, and consider that the Criminal Courts in general might advantageously avail themselves of its provisions more frequently than they appear hitherto to have done.

69. The Sub-Division of Hurryhur in the Shemogah District was abolished on the appointment of Lieutenant Gordon Cumming as officiating Deputy Superintendent of the Chituldroog District, but the other Sub-Division of Sangor in the same District has, the Superintendent states, worked well during the year under the charge of Mr. Venket Row, and has fully answered the purposes for which it was constituted. Major H. M. Elliott, the Deputy Superintendent of Shemogah, however, in his report remarks as follows. "With regard to these Sub-Division charges, with all due deference "I would very humbly submit that though they are well calculated to relieve "the Deputy Superintendent from much onerous work for which he has but "little time, still the system as at present worked is one which conduces to "keep him in the dark in all that relates to the Talooks composing the Sub-Division. Under these circumstances I think considerable modifications "are required."

70. I am inclined to think that the present system under which an Assistant is placed in charge of a Sub-Division under the almost nominal control and supervision of the Deputy Superintendent is one of doubtful expediency. An officer who is considered fit to be placed in charge of a Territorial Jurisdiction should be made as independent as possible in that charge, and being held personally responsible for the conduct of his duties, he should be subject only to one immediate superior to whom should lie all appeals from his decisions on every subject. Now this cannot be said to be the case at present. Three Talooks are made over to the Assistant's charge, the Amils of which are so far under his control, as that they correspond direct with him and receive their orders from him, though they have to look to the Deputy Superintendent for promotion and the furtherance of their interests. The Assistant in charge has no power to appoint, remove or even to punish any subordinate of his own Court or belonging to his Talooks, except those of the lowest grades, without first referring for orders to the Deputy Superintendent. In corresponding with the Superintendent or neighbouring Magistrates, he has to do so through the intervention of the Deputy Superintendent,

while all appeals from his decisions lying as they do to the-Superintendent, he is thus in a measure removed from the immediate control of one superior and is mainly responsible to another. On the other hand all petitions, reports and papers from the Sub-Division Talooks being received direct by the Assistant Superintendent and orders thereon being independently passed by him, it is evident that the Deputy Superintendent, although nominally responsible for all that goes on within his District, is in reality either entirely ignorant or at the best but little cognizant of what passes in the Sub-Division, and there being no appeal to him from the Judicial acts of the Assistant, who is nominally subordinate, his general control must be altogether very slight and apparently rests mainly in the disposition of patronage.

71. Although it is highly desirable for the general convenience of the public, in large and populous Districts, and especially where the Head Quarters are not centrally situated, that Assistant Superintendents should be posted at out stations to dispense justice, I am of opinion setting aside all considerations of a fiscal character, with which I have of course no concern, that it would be better in such case, the latter Officer should be placed altogether in independent charge of the Sub-Division under the direct and immediate control of the Superintendent of the Division, or that if this should not be deemed desirable on fiscal or other grounds, there should be a clearer and more accurate demarcation laid down between the relative duties and responsibilities of the Deputy Superintendent and his Assistant in charge of the Sub-Division, and that their present rather anomalous positions with regard to each other should be better defined, if it be necessary to maintain the latter in his territorial charge.

72. During the past year considerable attention has been paid on the part of the District officers and others to the subject of Jail management and discipline, and great improvements have been introduced as well into the system of Jail conservancy, as into the question of the employment of the Prisoners on remunerative manufactures and upon intramural labor, wherever it has been found practicable from the extent of available accommodation to employ them solely within the Jail precincts. The dry earth sewage plan has been extended to the outlying Talooks with somewhat more success than in the year preceding, and the Lock-ups throughout the Talooks have been better ventilated and more or less improved in respect to sanitary requirements and increased accommodation, and wherever defects in the above respects have been ascertained to exist, steps have been taken to remedy them.

73. The Divisional Reports for the past year, which are herewith forwarded in original for the perusal of the Commissioner, have been submitted this year by Colonel Dobbs for the Nundidroog Division, which he administered

for 9 months of the period, being absent on privilege leave for the remainder of the time, by Major Pearse, for the Ashtagram Division, and by Major Elliot, c. s., for the Nugur Division. Neither of the two latter officers however, bore the brunt of the work in the Divisions on which they have been called upon to report.

74. Major Pearse, Superintendent of Ashtagram, returned from sick leave to England in August 1865, and soon after his arrival at Bangalore was called upon to assume charge of the Nundidroog Division during September, October and November, the period Colonel Dobbs was absent on privilege leave; at the expiration of that term, he proceeded to Mysore, and resumed charge of his own Division of Ashtagram from Major Charles Elliot, c. s., who had acted as Superintendent at Mysore for about 22 months, of which 11 months fell within the year now under report. On the 22nd of December, Major Elliot, c. s., returned to Shemogah and resumed charge of his own Division of Nugur from Colonel Clerk, who had administered it during the whole of the year reported on with the exception of the concluding 9 days. Although the duty of submitting the report has devolved upon Major Elliot, c. s., that officer has of course been indebted to Colonel Clerk to a great extent for the materials requisite for its composition, and for the opinions to which he has given expression in regard to the assistance rendered by the officers subordinate to him in the Division, and to the estimate he has given of their official qualifications.

75. I do not know that I can add much to what I have already on several occasions placed on record in regard to the valuable and efficient services rendered by Colonel Dobbs, Major Elliot, c. s., and Colonel Clerk, who bore the chief part in the administration of the Sessions work of the Province during the past year, and by Major Pearse who returned to duty rather more than 4 months before the close of the year. The above Superintendents are one and all well tried and experienced officers, and the task would be a very difficult and an invidious one to particularize their relative merits or to draw any comparison between them. I will therefore on the present occasion merely content myself with expressing my obligations to them generally, for the efficient assistance and ever cordial co-operation they have rendered me in endeavouring to raise the standard of the Judicial Administration of the Province, and to improve the working of the Courts as well of the Civil as Criminal Department. I have also to render my acknowledgments to the Deputy Superintendents in charge of Districts, and in fact to all the Judicial officers of the Province, on whom a very heavy amount of work in all Departments has devolved during the past year, and who have with but few exceptions performed their respective share of it creditably and are deserving of commendation. The only point in regard to which the result of their past labors has not been altogether successful and a subject of congratulation, has

been the time which upon an average calculation has been occupied by them in the disposal of their work. There have been several causes at work to bring about the above result to which I have before drawn attention, but notwithstanding that all the long outstanding cases and the arrears of former years have by their exertion been now worked off, it will require the unremitting, constant and zealous attention of every officer entrusted with Judicial functions in the Province, to the important task of disposing of the cases brought before them with promptitude and a due and proper amount of expedition, if any marked improvement is to be expected in the administration of justice during the current year under this head, and I shall look to the Superintendents of Divisions and District officers to give me effectual assistance in enforcing this important matter upon the attention of all the Courts.

76. With regard to the different officers of the Judicial Department subordinate to the rank of Superintendent, I deem it advisable to quote for the information of the Commissioner and of the Supreme Government, from the Reports submitted by the Superintendents, the remarks which, in terms more or less commendatory, they have made in respect to the qualifications and general efficiency of the several District officers and others subordinate to them, or who have been employed during the year within the limits of the Divisions they have reported upon.

77. Colonel Dobbs writes as follows in the general remarks which close his report.

"It is not necessary for me to add anything to the exhaustive report drawn up by Lieutenant Ludlow on the Central Jail. The more so as you were personally cognizant of every thing begun or completed within and without its walls throughout the year."

"It only remains for me to acknowledge the cordial co-operation with myself of the officers who have presided over the Courts subordinate to me, and while as might be naturally expected, the proceedings of some of the Assistants were occasionally defective, those of the Deputy Superintendents bore unmistakeable evidence of increasing acquaintance with and attention to the Law of Evidence as also to Judicial Procedure. I need say nothing of Mr. Krishniengar, whose Judicial experience and abilities I have on former occasions brought to your notice, but it is only due to Major Bruce and Captain Pearse to say that they have deserved my best thanks for the correct way in which they disposed of their work, which lightened my own burden not a little. Lieutenants Shaw and Ludlow are promising young officers, and have shown considerable Judicial aptitude in the work performed by them. I am not in a position to say much of the other officers. Major Hamilton having joined the Division after my departure for the hills, and Captain Armstrong only a short time previously, but I have great pleasure in saying that the de-

cisions passed by those officers, which have come before me since my return, are very satisfactory. The Native Assistants, Messrs. Kristnasawmy, Poorna Venket Row, Amed Padshaw and Arnachella Moodelliar, have all done their work well and are entitled to thanks. I have specially noticed Mr. Sabaputty Moodelliar, who is not however permanently attached to this Division, having been placed at my disposal as a temporary measure for the special duty of clearing off the accumulated cases on the file of the Bangalore Talook."

"I have only in conclusion to again bring to your notice my Judicial Sheristadar Sreenivas Iyengar, who maintains his high reputation, also my Judicial Head Moonshee Krishnappah, who is an excellent public servant."

"Since writing the above, the Administration Report and Returns from the Cantonment Magistrate have been received, which enables me to remark on the marked (each successive year) decrease of crime, amongst the large and annually increasing population of a place in which a large Town is combined with a Military Cantonment. The improvement is evidently due to the efficiency of the Police, especially the European portion of it under the able superintendence of Mr. Seppings."

"The duties of Magistrate and Superintendent of Police were performed in the beginning of the year by Captain Cole but for the most part by Captain Hill. The ability with which these officers have performed their duties is so well known to yourself that an expression of my approbation is almost superfluous. I need only say that the proceedings of the Courts which have come before me have given me great satisfaction. The Sub-Magistrate Krishnasawmy Moodelliar maintains the high character which has been given to him by successive superiors."

78. With reference to the officers in the Ashtagram Division, Major Pearse has communicated the following observations.

"Major McHutchin had charge of the Mysore District, throughout the year, but was constrained by ill health to leave for England before he could submit the Judicial Report. The state of his file is appended in an abstract form."

DESCRIPTION OF CASES.	Balance on the 1st January 1865.	Brought on file during 1865.	Total.	Disposed of up to 31st Decr. 1865.	Balance on the 1st Jan'y. 1866.
Civil Original cases	9	20	29	26	3
do. Appeal do.	50	84	114	114	0
do. Miscellaneous do.	0	44	44	44	0
Criminal Original cases	2	31	33	33	0
do. Appeal do.	6	29	35	35	0
do. Miscellaneous do.	0	234	234	234	0
Civil execution of decrees. ..	14	36	50	43	7
Total.	61	478	539	529	10

"I am of opinion that the above statement deserves commendation. It shows good work. In the Hassun District also the Judicial work has been well kept down, though the fact of Captain Thomson's not having had the higher-powers until very recently must have been a serious drawback, but he has as usual, been well aided by Mr. Kristna Row, whom I look upon as one of the ablest and best officers in the Territory. The Assistants, European and Native, all seem to have exerted themselves, but my experience of their working is so limited that I do not feel myself very well able to express any decided opinion about them, more especially as all those in the Division with the exception of Mr. Kristna Row are new to me. Captain Mottet, I know, stood well in the opinion of his immediate superior, Major McHutchin, and Major Elliot held Mr. Somasoonder Row in the very highest esteem as a valuable and highly trustworthy public servant."

"As regards the Hassun sacrifice case, which it fell to my lot to try in December last, I feel bound to record my good opinion of Mr. Kristuamah Naidoo, Amildar of Bailoor, who was sent to Hassun to institute the preliminary investigation, the Amildar of the Hassun Talook having shown himself culpably remiss on the occasion."

"During the past year Mr. T. E. Woodcock, Manager of the Superintendent's office was appointed Public Prosecutor. He is an able and intelligent Public Servant, and without detriment to his other duties performs the work of his new office with earnestness and care. His previous training in the Madras Police being of great value to him in his new position."

"In conclusion, I would wish to bring to your notice Teroomalacharyer, the Division Sheristadar, whom I find to be still the same able, willing, and attentive officer that he ever was, who conducts the duties of his office as if he really felt a deep interest in the correct and timely disposal of the work, and who has moreover made himself thoroughly acquainted with his duty in all its branches."

79. In concluding his Report for the Nugur Division, Major Elliot, c. b., has expressed himself as follows.

"I regret that owing to the late period of the year at which I took charge of this Division, namely the 22nd of December, leaving me but little more to do than submit the report, I am unable of my own experience to do justice to those who have conducted the Judicial Administration for the year under report. Lieut. Colonel Clerk has authorized me to state his satisfaction generally with all those who worked under his superintendence, but more especially with the energy, activity, perseverance and marked success of Lieut. Gordon Cumming, whose magisterial operations have been productive, as recent sessions have shown me, of results alike important to the District under his charge, and creditable to himself."

"The Judicial Sheristadar of this office, C. Balakristniah, also deserves much praise for the persevering and intelligent manner in which he has conducted his duties, as well as the Head Moonshee Nagasa Row, and both of these officers being previously well known to me, I am glad to record Lieut. Colonel Clerk's continued good opinion of them."

"Lieut. Blair has rendered much useful assistance in supervising the Jail, and in pushing on the erection of the new temporary Jail."

80. I have considered it right to quote in their own words the commendatory remarks which the Superintendents have made regarding those of the officers whom they have thought it right specially to bring to notice, and although I have no wish whatever to detract on the present occasion from any thing they have said on the subject, notwithstanding that I may not altogether concur in every respect with their estimate of the official character and general qualifications of each individual, I deem it right to add the following few observations in regard to a few officers who have done good service during the year, but have apparently failed to attract any special notice.

81. Among these I may mention Major H. M. Eliott and Captain Acton, who have respectively administered the Shemogah and Cudoor Districts. In the report for the previous year Colonel Clerk has referred to the latter officer as being in common with Lieut. Gordon Cumming an officer of superior intelligence, and I believe that he has during the year under report fully maintained the same reputation and has done equally good service. Major H. M. Eliott is also a zealous and painstaking officer, though perhaps somewhat unduly suspicious in his official intercourse with his Native subordinates and of a somewhat independent not to say stubborn character when under control.

82. Among the European Assistant Superintendents whose names have not been brought to notice by the Superintendents I am of opinion that Lieut. Maltby and Captain Benson are both deserving of special notice. The former officer has been employed under the orders of the Deputy Superintendent in the Shemogah District, and is an able and efficient Officer. The latter who is now officiating as Cantonment Magistrate of Bangalore, and has on several occasions during the past year acted in the same capacity during the temporary absence of the actual incumbent Captains Cole and Hill on leave or other duty, was during the year under review placed as an Assistant under my immediate orders, which accounts for his not having been mentioned by any of the Superintendents of Divisions. He is an efficient and hard working officer, and having an excellent memory has perhaps acquired a more complete and accurate knowledge of the provisions of the Criminal Codes than any officer in the Commission of high or low standing.

83. In closing the present Report, I will merely state that I have had no reason to alter the opinion which I have on a former occasion recorded at greater length in regard to the efficient and able services which have been on all occasions rendered to me by the Head Sheristadar of my own office, Mr. Vencata Vurdiengar, whose claims upon the Mysore Government for promotion to the post of Native Assistant, the Commissioner has already expressed his intention to take into consideration on the occasion of the next vacancy occurring in the 3rd Grade of Native Assistants on Rs. 400 per mensem.

MYSORE JUDICIAL COMMR'S. OFFICE,
BANGALORE,
The 12th May 1866.

CHAS. B. SAUNDERS,
Judicial Commissioner.

APPENDIX E.

BANGALORE COURT OF SMALL CAUSES,

From

Dated, BANGALORE, 30th January 1866.

L. RICKETTS, Esq.

N. KRISHNIAH, Esq.

Judges of the Bangalore Court of Small Causes.

To

C. B. SAUNDERS, Esq. C. B.

Judicial Commissioner in Mysore.

SIR,

1. We have the honor to forward herewith for your information, Report of the Bangalore Court of Small Causes for the calendar year 1865, being the third year of its institution.

2. It will be observed by a reference to Statement No. 1. Part 1st, that the total number of cases instituted during the year was 4,770, against 2,256 cases in 1864; and that the amount litigated in 1865, was Rs. 1,39,996, against Rs. 71,114, in 1864. In other words the number of suits filed has more than doubled, whilst the amount litigated has well nigh doubled itself for the year under report.

In 45 cases the parties appeared by Attorney. In 180 cases by Pleaders practising in the Court, and in the remaining 4,426 cases the Parties either appeared in person, or were absent.

3. From the comparative table below, it will be noticed, that 1,003 cases is the numerical increase as regards the old accustomed jurisdiction of the Court over the Cantonment; and that the remaining excess of 1,511 cases is due to the new jurisdiction over the Pettah.

The same table shews that whilst the average amount litigated in each suit in 1865, was Rs. 29—5—7; in 1864, it was Rs. 31—8—4; but in 1863 it was only Rupees 21—0—4.

Years.	English Suits filed in the year.	Cantonment Native Suits filed in the year.	Pettah Native Suits filed in the year.	Total Suits filed in the year.	Total amount litigated in the year.		Average amount litigated monthly.		Average amount litigated in each Suit.	
					Rs.	A.P.	Rs.	A.P.	Rs.	A.P.
1865	681	2,578	1,511	4,770	1,39,996	3 7½	11,666	6 7½	29	5 7
1864	589	1,667	0	2,256	71,114	4 6½	5,826	3 ½	31	8 4
Increase.	92	911	1,511	2,514	68,881	15 ½	5,740	2 7½	0	0 0
Decrease.	0	0	0	0	0	0 0	0	0 0	2	2 9

Average number of suits filed monthly, in 1865 397½
do. do. do. do. in 1864 188

Increase 209½

4. Table No. 1. Part 2nd, shews that—

2485 Cases out of 4770 cases, were for sums under 10 Rupees,								
whilst the fees realized were but					Rs..	1,829	4	0
871	do.	do.	do.	20	do.	1,850	3	3
807	do.	do.	do.	50	do.	3,740	11	9
<u>4163</u>	do.					<u>7,420</u>	<u>3</u>	<u>0</u>

Thus shewing that the vast majority of suits were for sums of money under Rs. 50, whilst the Commission & Fees realized on the remaining 607 cases, (making the total of 4770 suits,) of the value of from 50 to 500 is not far from double the Commission and Fees realized on the 4,163 cases, under 50 Rupees.

The Commission and Fees on 4163 cases for sums of money								
under 50 Rs. were					Rs.	7,420	3	0
do.	do.	on	607	do.	from 50 Rs. to 500 Rs.	12,021	2	5
<u>4770</u>					Rs.	<u>19,441</u>	<u>5</u>	<u>5</u>

The above shows at a glance that while the Court has been freely resorted to in the case of petty claims, and at a very trifling cost to suitors; it is the larger claims that produce the best pecuniary results, whilst generally speaking they are as easily disposed of, and entail no further amount of office labor than the petty cases. If therefore the pecuniary limit of the jurisdiction of this Court be extended, what the financial results will be can easily be estimated from the above figures.

5. Table No. 3 shews,

That 2485 cases under 10 Rs. were entertained at an average								
cost to suitors of Rs. ..					0	11	9-33	
”	871	”	20	”	”	2	1	11-97
”	807	”	50	”	”	4	10	2-00
”	298	”	100	”	”	10	2	0-23
”	173	”	200	”	”	19	0	0-95
”	78	”	300	”	”	32	14	0-92
”	28	”	400	”	”	47	7	10-72
”	30	”	500	”	”	60	11	0-10
<u>4770</u> cases were entertained at an average cost,								
each suit, of Rs. .					4	1	2-55	

This cost, it must be remembered, includes generally every expence and outlay incident to a suit from its institution till final execution; and only comes in the case of the 4,163 petty suits under 50 Rs. to Rs. 2-7-11 each suit.

Last year similar averages to the above gave Rs. 4-2-8 and Rs. 1-10-2 respectively.

6. Table No. 4, shews that of cases brought on for hearing, 32 remained undecided at the end of the year. In 27 cases the summonses had not been served on the Defendants, and the remaining 5 cases were postponed by order of the Court. All these cases have since been disposed of, with the exception of 1, which came on for hearing on the 6th Instant, and was adjourned to the 9th February, solely for the convenience of the parties.

This table further shews that 150 cases, out of 4,770, had not been brought on for hearing, being cases instituted during the last six days of the year, and the summonses in consequence being made returnable in January 1866.

7. Table No. 4, also shows that there were 14 motions for New Trials made during the year.

In	6	cases	the	applications	were	refused.
"	3	"	"	judgments	were	amended.
"	3	"	"	do.		reversed.
"	1	"	"	do.		confirmed.
"	1	"	"	do.		and proceedings were quashed.
	<u>14</u>					

8. Table No. 5, exhibits a total number of 4651 cases, (being made up of 63 cases brought over from 1864, and 4,588 cases, out of 4770 cases instituted in 1865) brought on for hearing, and finally disposed of during the year in the following proportions.

In	2,247	cases,	there	were	Judgments	for	Plaintiffs.
"	110	"	"	"	"	"	Defendants.
	455	cases	(including	42	cases	struck	out for want of jurisdiction) were struck out for default.
	224	"			were	Non-suited.	
and	1,615	"			were	Compromised.	
	<u>4,651</u>						

From which analysis the following per centages are arrived at, and com-

Y E A R .	Per centage of cases tried on their merits.	do. of cases compromised.	do. of cases struck out for default.	Total of columns 1, 2, & 3.	Per centage of cases tried on their merits in favor of Plaintiffs.	do. in favor of Defendants.	do. Non-suited.	Total of columns 4, 5 & 6.
1865.....	55.49	34.94	9.57	100.00	87.06	4.26	8.68	100.00
1864.....	63.06	28.26	8.74	100.00	84.87	3.33	12.32	100.00
Increase ..	0	6.74	0.83	0	2.69	0.95	0	0
Decrease ..	7.57	0	0	0	0	0	8.64	0

From the above it will be observed that there has been a decrease of 7·57 per cent for the year under report, in the number of suits tried on their merits. This decrease however, it will be seen, has almost wholly been transferred to the head of cases compromised, which shews an increase of 6·74 per cent. In 1863, but 24 per cent of cases were compromised, it now stands at 34 per cent. Several of the cases entered as “struck out for default” are doubtless also compromised cases; but where from the smallness of the amount involved, suitors do not find it worth their while, to the detriment perhaps of more pressing business, to attend to report the compromise which entitles them to a return of half the costs incurred.

The increase in the per centage of cases decided in favor of Plaintiffs, in suits tried on their merits, is we consider satisfactory, and indicates the good character of the litigation. Last year we commented upon the comparative low per centage of cases decided in favor of Defendants; but it will be observed that almost the same encouragingly low average is still shewn; and against the only question that arises, whether some of the non-suited cases might not have been more properly decided in favor of Defendants? it will be noticed, that the non-suited cases have also considerably decreased this year, viz., by 3·64 per cent. This decrease in the percentage of non-suited cases we also consider satisfactory as shewing, not only that suitors are getting better acquainted with the requirements of the Court, as regards the getting up, and proof of their claims; but also that there are fewer of those cases where the Court from inability wholly to believe a Plaintiff’s claim falls back upon the alternative of non-suiting him.

9. Table No. 13, shews that the total amount litigated in 2581 suits tried on their merits, was Rupees .. 85,304- 9-0½

The amount allowed was	Rupees	69,847-5-5	
„ disallowed .. ..	..	8,991-2-2½	
„ litigated in cases Non-suited ..	..	6,466-1-5	
			<u>85,304- 9-0½</u>

Amount litigated in 1615 Compromised cases	43,286-12-1
do. 455 cases struck out.	6,629- 1-7
do. 182 undecided cases.	6,547-14-9

Total Rupees... 1,41,768- 5-5½

N. B. In suits instituted in 1865, Rupees..	1,39,996-3- 7½
In 63 suits brought over from last year	1,772-1-10

Total amount litigated Rs. 1,41,768-5- 5½

10. From the foregoing statement the following per centages are derived, and compared with the year previous.

YEAR.	1	2	3	4	5	Total of columns 1 to 5 inclusive.
	Per centage of amount allowed.	Per centage of amount disallowed.	Per centage in cases Non-suited.	Per centage in cases Compromised.	Per centage in cases Struck out.	
1865 ..	51.63	6.65	4.78	32.01	4.93	100.00
1864 ..	49.75	5.46	14.27	27.25	3.27	100.00
Increase..	1.88	1.19	0	4.76	1.66	0
Decrease...	0	0	9.49	0	0	0

The results shewn in the above table are almost the sequel to the results detailed in the table given in para. 8, of this Report. The increase of 2.69 and 0.95 in the centage of cases decided in favor of Plaintiffs and Defendants respectively there shewn, in columns 4 and 5, are now met by a somewhat corresponding increase both in the centage of amount allowed to Plaintiffs, as well as disallowed. So likewise in the case of non-suits, as the centage of such cases has decreased by 3.64, (see column 6, para. 8,) so has the amount involved in such cases decreased also. The decrease here, viz., 9.49, however looks disproportionate; but is to be accounted for by the fact that whilst the number of non-suited cases was less than the year previous, the amount involved in them was still smaller. The present decrease must therefore be considered satisfactory. Similarly as columns 2, and 3, of para. 8, shew that the centage of compromised cases has considerably increased, and that of cases struck out for default slightly increased, so here by the present table, columns 4 and 5, it will be observed that the respective per centages of amount involved in such cases has somewhat in a corresponding degree increased also. Of course the present table, and that contained in para. 8, can only in a general measure agree, as one has reference to *cases* and the other refers to the money value involved therein. Still approximately, and running over a large number of cases, it will be observed that there is a general resemblance. For instance, 34.94 per cent of cases were compromised, and the amount involved in such cases is shewn by the above table, column 4, to be 32.01 per cent.

11. Tables Nos. 6, and 13, shew that of the amount awarded viz., Rs. 69,847—5—5, the sum of Rs. 30,853—0—6, was recovered by process of the Court. This amount, together with Rs. 649—11—6, being the balance of the previous year, was, with the exception of Rs. 912—3—1, duly paid over to the proper parties within the year.

The result for the two years is exhibited in the following table.

Year.	Amount allowed in suits where final judgments were passed.			Amount recovered by process of the Court.			Per centage of amount recovered by process of the Court as compared with the amount allowed.
	Rs.	As.	P.	Rs.	As.	P.	
1865.	69,847	5	5	30,858	0	6	44.32
1864.	35,562	13	11	16,437	8	3	46.22
Increase..	34,284	7	6	14,420	8	3	0
Decrease .	0			0			1.90

It will be noticed from this table, that the per centage of the amount recovered by process of the Court is less by 1.90, than that of the previous year. This decrease may in a great measure be accounted for by the proportionately greater number of body warrants issued in 1865. For whilst in 1864, warrants against goods exceeded body warrants by 30, viz., 370 of the former to 340 of the latter. In 1865, body warrants exceeded the number of warrants against goods by 17, viz., 587 of the former, against 570 of the latter.

It is hardly necessary to observe that the issue of a body warrant is, as a rule, far more effectual towards the complete execution of a decree than a warrant directed against the goods.

12. Final Judgments were pronounced in 2,357 cases, and in execution thereof, there were issued on the application of the parties—(vide Table No. 1, Part 3rd.)

570	Warrants against goods, against	370	in 1864.
587	do. do. body, do.	340	in do.
8	do. to give possession, do.	6	in do.

1160

27 Remaining unexecuted from last year.

1187

Out of this number of 1187 Warrants,

453 were executed by levy and possession.

27 were partially ditto.

112 were executed by seizure of goods.

107 were executed by ~~seizure~~.

86 were compromised and withdrawn.

were returned unserved.

108 Remained in the hands of the bailiffs for execution, at the close of the year.

1187

The number of warrants returned unserved, and where often a compromise has been effected, viz., 294, contrasts favorably with 1864, when with about half the work, 276 warrants were so returned; but the number remaining at the end of 1865, in the hands of Bailiffs for execution, viz., 108, appears disproportionately large even considering all the difficulties attending the execution of Small Cause Court Warrants. In the 107 cases of commitments, 105 warrants of release from custody (which includes 1 Warrant of release for the only debtor remaining in Jail at the end of 1864,) were issued, so that at the closing of the Court at the end of the year 1865, there were but 3 persons in Jail under process of this Court.

13. Table No. 7, exhibits the nature of the causes brought on for hearing during the year, together with a comparative table for 1864. The following is an epitome of the same.

Year.	Cloth sold and delivered.	Other goods do. do.	Bills of exchange and Promissory notes.	Wages.	Work and labor.	Work, labor and materials.	Money paid.	Money lent.	Money had and received.	Account stated.	Use, occupation and rent.	On judgments.	Guarantee.	Partnership balance.	Other actions of assumpsit.	Tort and Detinue.	Case and damage.	Tort.	Trespass.	Assault.	Writ in Interpleader.	Recovery of small transactions.	Ejectment.	Against executors.	Covenant.	Total.	
1865	1048	1254	557	130	23	46	202	807	42	38	136	40	51	10	34	101	31	1	6	0	0	20	46	0	29	0	4651
1864	228	588	348	71	30	17	82	423	40	30	108	30	50	12	34	75	24	2	3	0	0	7	28	0	13	16	2232
Increase	820	666	209	49	0	29	120	384	2	8	28	10	1	0	0	26	7	0	3	0	0	13	18	0	15	0	2399
Decrease.	0	0	0	0	2	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0

The chief increase has been in suits for cloths, and other goods sold and delivered, bills of exchange and promissory notes, and money paid, and lent. Actions on tort, trespass, and assault, are still fortunately almost unknown. Interpleader suits have increased by 13, but still the small number of such claims is gratifying. Of the 20 Interpleader claims instituted during the year, 14 were allowed, 5 disallowed, and 1 compromised.

In 1864 there were 7 Interpleader claims in 95 cases of seizure of goods.

„ 1865 „ 20 „ „ 112 „ „ „

14. Tables Nos. 9 and '11, shew the income and expenditure of the Court. The total expenditure amounts to Rs. 34,087—8—0, which is in excess of the year previous by Rs. 1854—14—8.

Y E A R .	Salary of Judges.	Salary of establishment.	Contingencies and office rent.			Total.		
	Rs.	Rs.	Rs.	As.	P.	Rs.	As.	P.
1865.	19,200	12,826	2,059	8	0	34,087	8	0
1864.	17,160	12,564	2,508	9	4	32,232	9	4
Increase . . .	2,040	264	0			1,854	14	8
Decrease	0	0	449	1	4	0		

The increase in salary of Judges is owing to both Judges having worked through the whole year, whereas in 1864, the pay of the 2nd Judge was not debited to the Court while absent on special duty at Mysore. The increase in salary of establishment is owing to the appointment of 2 extra Bailiffs for the Pettah. The decrease of Rs. 449—1—4 is under the head of contingent expenses.

15. The gross and net Commission and Fees, see Table No. 11, is shewn in the Statement below, together with a comparison of the same for the year previous.

YEAR.	Commission and Fees on institution of suits.			Second Summonses, new Trial, and adjournment fees.			Subpoena fees.			Fees for Warrants, attachments, &c.			Fees for serving the processes of other Courts.			Fees for processes of the late Moonaff's Court.			Total.			Deduct half costs returned to suitors in compromised cases.			Fees remitted in Pauper suits.			Net amount credited to Government.		
	Rs.	As.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.
1865.....	19,441	5 5	229 11 6	1,396	6 0	594 6 0	42	10	0 0	2 0	21,711	8 11	3,062	10 8	0	18,648	14 3													
1864.....	9,417	13 8	86 9 0	933	0 0	344 11 0	57	1	0 1	1 0	10,840	3 8	1,390	11 1	0	9,450	1 9													
Increase.	10,023	7 9	143 2 6	463	6 0	249 11 0	0	0	0 0	0 0	10,871	5 3	1,672	8 9	0	9,198	12 6													
Decrease.	0		0	0		0	0	7	7	0 0	15	0	0		0	0	0													

It will be observed from the above, and indeed is a natural consequence of the doubling of litigation this year, that the gross amount of fees realized is double that of the year previous; but that the net amount carried to the credit of Government is not quite so much in excess, being Rupees 18,648—14—3, or Rs. 9,198—12—6, more than the year 1864. This is owing to the considerable increase, viz., Rs. 1,672—8—9, in the sum returned as half costs to suitors in compromised cases, there being 1,615 of such cases, involving Rupees 43,286, in 1865, against 635 cases, involving Rupees 19,480, in 1864.

16. To arrive at the actual financial results of the working of the Court for 1865, it will be necessary to add to the net income realized from fees as shown above, viz., Rupees 18,648 14 3

Amount of Fines levied	18	6	3
„ Stamp penalty recovered	983	9	8
„ Fees in the late Moonsiff's Court	18	10	1

Total Rupees. 19,669 8 3

Similar calculations for 1864, give a sum „ 10,137 3 4

Net increase for 1865 „ 9,532 4 11

17. To sum up the financial results, the table below is given

Y E A R .	Total expenditure of Court.	Total amount carried to credit of Government.
1865.	Rupees 34,087 8 0	Rupees 19,669 8 3
1864.	„ 32,232 9 4	„ 10,137 3 4
Increase	„ 1,854 14 8	„ 9,532 4 11

And deducting the increased expenditure of Rs. 1,854—14—8 from the excess amount of Rs. 9,532—4—11, it leaves Rupees 7,677—6—3 as the actual increase of income this year over last.

18. In 1863, (or the first year of institution), Rs. 31,396—12—5 represented the extent at which the expenditure of the Court was not met by its income. In 1864, the sum was reduced to Rs. 22,095—6—0. And now it stands at Rs. 14,417—15—9. Even with the present pecuniary limit of 500 Rupees, another year or two, or at the most three years, will doubtless see this Court self supporting; but if the money limit be raised to 1000 Rupees, (with full fees up to 500 Rs., and half fees from 500 to 1000 Rupees,) even the end of the present year, 1866, will, we think, almost suffice for that purpose, and the following year would show a surplus.

The cases above 500 Rupees, would most likely be few in number; but they would still be the paying cases, on the same principle that the 607 cases of 1865, from 50 to 500 Rupees, realized (See para. 4 of this Report) nearly double the sum of fees received on the remaining 4,163 cases for sums of money under 50 Rupees.

19. The despatch of business in the Court is shewn below.

- 3474 Cases were finally disposed of on the day originally fixed for hearing, the Summonses generally being made returnable on the 10th day, to allow of time for finding out Defendant and serving him; as well as to give him the prescribed 4 clear days time for preparing his case and defence, before the case is brought on for trial.
- 638 Cases were also finally disposed of on the day originally fixed for hearing. The Summonses in these cases being made returnable at longer intervals than 10 days; being up-country Summonses, and the return day fixed on a calculation of the distance of the Defendant's residence from Bangalore.
- 444 Cases were finally disposed of on the day fixed for hearing on the 2nd Summons. The 1st Summons having been returned into Court unserved.
- 100 Cases were not finally disposed of on the day fixed for hearing, but adjourned to a further hearing, and generally to meet the convenience of Suitors; but even in these cases the attendance of the same Witnesses would seldom be required a second time, having generally been examined, and their further attendance dispensed with before the adjournment.

4651 Total number of Cases decided during the year. Of which number, 4107 cases were decided without any delay whatever, 444 cases with such delay as is entailed by taking out a Second Summons, and 100 with the further delay consequent upon taking out a third or even fourth Summons.

The same particulars as to the duration of Suits are given below, in another form.

Not exceeding	10 days	..	..	..	3474	Cases.
	20 "	..	..	..	573	"
	1 month	..	..	..	376	"
	2 "	..	..	..	128	"
	3 "	..	..	..	54	"
	4 "	..	..	..	29	"
	5 "	..	..	..	12	"
	6 "	..	..	..	3	"
	8 "	..	..	..	1	"
	10 "	..	..	..	1	"

100*

4651

*But 2, out of these 100 cases were local, one case was delayed pending the issue of a criminal prosecution against the Plaintiff for perjury; and the other, an Interpleader claim, was delayed owing to bullocks having been seized

in execution which were claimed by a resident of Mysore, and whose Witnesses, bandymen pursuing their avocations at Mysore and elsewhere, were difficult to be found. The remaining 98 cases were all up-country processes against Defendants, where in addition to the usual difficulty of serving persons through another Court, and with no Plaintiff present to point out the proper party, and which necessitated the issue of 2nd and 3rd Summonses even to such distant places as Hyderabad and Benares; there was the further drawback that some of these Mofussil processes were evidently taken out in the first instance with no very clear notion as to the Defendant's particular residence; but where the filing of the claim was imperative to prevent the operation of the law of limitation.

20. It will be remembered that from the 1st of January 1865, it was made optional with suitors residing in the Bangalore Pettah to resort to this Court, or not, as they preferred. The result of this option is given in the table below: and we cannot but help thinking that the prejudice reported to exist in the Pettah against the working of this Court, was in a measure due to the machinations of Vakeels and other interested parties, who looked with dismay upon the threatened loss of their profitable occupation in petition and appeal writing, &c. Out of the 1511 Pettah cases, in certainly not more than 80, were the parties either represented by Attorney, or Vakeels, and the saving of time, money and chicanery in this respect alone, must have been considerable.

Number of Suits filed in the Bangalore Court of Small Causes, and the Bangalore Talook Amildar's Court during the year 1865.

M O N T H S .	Talook Court.	SMALL CAUSE COURT.		
		Pettah Suits.	Cantonment Suits.	Total.
January	53	63	165	228
February	547	221	448	669
March	511	79	249	328
April	36	101	181	262
May	54	174	280	454
June	43	69	255	324
	1274	707	1578	2285
July	103	122	210	332
August	64	92	250	342
September	61	124	271	395
October	28	130	355	485
November	33	183	336	519
December	19	153	259	412
	308	804	1681	2485
Total . . .	1,582	1,511	3,259	4,770

We incline to the opinion that the year 1866, will show a still further comparative increase in the number of Pettah cases, for the working of the Court can hardly yet be so well known there as in the Cantonment. Even the present Returns compare favorably with the Amildar's Court, when it is considered that the large number of cases filed in the Talook Court in February and March, is mainly due to the contemplated operation of the new law of limitation, whereas the average number of Pettah cases filed in those two months, from the same causes, in this Court, is scarcely in excess of the monthly average taken the whole year round. Indeed, whether as regards the Cantonment or Pettah, 200 cases would about give the increase in this Court assignable to the new law of limitation. As regards the Pettah, in the first half of the year, (which could only be effected by limitation law,) 707 cases were filed in this Court; and in the last half of the year, 804 cases. Whereas in the Talook Court, 1274 cases were filed in the first, and but 308 cases in the last half of the year. And these cases in the Amildar's Court comprise not only those brought from the whole Talook as well as Pettah, but also include real property and other Suits not cognizable by this Court, even in the Pettah or Cantonment.

21. In our last report (para. 30) we ventured upon the assertion that suitors would soon learn to accommodate themselves to the change which took away their former cherished right of appeal. The truth of this has been unexpectedly verified in a petition numerous and respectfully signed by the leading merchants, traders, and others of the Cantonment, in which, while begging that the Court's jurisdiction be extended to 1,000 Rupees, they not only mention nothing of an appeal, but, we believe, would now absolutely prefer not having one. It will perhaps be pardonable in us mentioning another incident illustrating that the Court is growing in public estimation. The late Police Magistrate had summoned a number of Cantonment Native traders to confer with them on some Police matter; but they were not content till they had told the Magistrate how he might benefit them by urging the extension of the money limit of the Small Cause Court, and making immoveable property liable in satisfaction of its decrees.

22. Before closing this Report we would take the liberty of referring, to the phrase "Plaintiffs' Courts," as sometimes applied in the Mofussil to Small Cause Courts. If by the term is meant that undue haste or acquiescence is evinced towards the claims of Plaintiffs, then, not only is a heavy imputation made against Judges whose sole duty and serious responsibility it is to decide impartially and correctly; but the charge itself bears its own refutation. If undue precipitation or acquiescence were shewn towards Plaintiffs' claims, such Plaintiffs would neither be slow to perceive or to take advantage of the same by filing false suits, which would speedily transfer the bias (supposing such bias were possible) the other way; and on the same irrational principle

would soon make the Courts "Defendants' Courts." And this would not be the only evil attendant upon the above interpretation of what is suggested by "Plaintiffs' Courts;" for Defendants would also soon take to the practice of reversing their position for the more favorable one of Plaintiffs, and thus still further augment the number of false suits till the Court became an entire and intolerable nuisance. In one sense however a Small Cause Court is a Plaintiff's Court; for unjust and false claims are summarily and remorselessly dealt with. And as such, in common with all other suits, are speedily brought on for hearing and adjudicated upon, the unfair or unjust Plaintiff has further not even the poor satisfaction of vexing or annoying his opponent long, generally 4 days. The result is that Plaintiffs in general bring true claims, and hence the sole reason of the large majority of suits decided in their favor.

If the claims of Plaintiffs be too rigidly or hastily rejected it is clear there would be but few suitors. If on the contrary too great a latitude be given them, what we have already attempted to describe as the result of the phrase "Plaintiffs' Courts" would be the natural and inevitable consequence. Speaking from our own experience, a Small Cause Court Judge has no bias one way or the other. He brings his mind, attention, and experience to bear on the facts before him, and decides according to his appreciation of the evidence. If he, as a rule, decides rightly, the Court, with its manifold advantages, must become popular. If the reverse, the Court becomes unpopular, and shews in its varying averages, at times all in favor of Plaintiffs, and then in favor of Defendants, that it is the fault of the presiding Judge which makes that a comparative lottery which all experience of the character of the long run of litigation, and evidence in general, proves is not the case. Slight variations there may be; but never any sudden or violent changes of averages or per centages. At least such is the experience we have thus far acquired of the past 3 years litigation in this Court.

23. In conclusion we would beg to refer to the valuable and efficient services of the Chief Clerk of the Court, Mr. J. Lacey, in the same strain of commendation as we did last year. The Assistant Clerk and Cashier Mr. Dhurmaroyah Moodeliar, is also deserving of special and favorable mention; and as regards the rest of the Establishment, we feel it would almost be invidious to single out names when one and all have worked so assiduously, punctually; and well.

We have the honor to be,

Sir,

Your most obedient Servants,

L. RICKETTS,

N. KRISHNIAH,

Judges.

TABULAR STATEMENTS

OF THE

JUDICIAL REPORT ON MYSORE

REPORT

ON THE

JUDICIAL ADMINISTRATION OF COORG,

FOR THE YEAR 1865.

INTRODUCTORY REMARKS BY THE COMMISSIONER.

1. The resumé furnished by the Judicial Commissioner makes it unnecessary for me to add many observations.

2. Civil Justice was dispensed with regularity and efficiency, but the transactions of the District among the people themselves being small, and there being but few native merchants, the files are comparatively light and the sums involved in suits limited. The duration of original suits, having regard to the difficult nature of the country, which, at certain seasons, precludes easy intercourse between the parties and the Talook Courts, is satisfactory. The duration of appeal cases is less so, and is mainly owing to the protracted illness of the late Superintendent.

3. The Criminal Statistics present little that is worthy of notice, but it is gratifying to observe the absence of crime of a serious type. In fact the Coorgs, as a race, are singularly free from degrading vices, though, of course, violent crimes originating in revenge, jealousy and other passions, are found among them, as among other people.

4. The rural Police of the District, furnished by the ryots themselves, without charge to Government, fully answers all purposes for which it was designed. As remarked in previous Reports, no change in this body is necessary or desirable.

5. The Mercara Jail is an unsuitable building, inside the Fort, and of very limited area. The Government of India have sanctioned the construction of a new Jail, but eligible sites are extremely rare at this station, where the ground is mainly either steep slopes or paddy fields, while labor and materials are very scarce and dear, so that the erection of the new building presents considerable difficulties.

6. In submitting to Government the general Report of this interesting District, it will be my duty to point out how hardly it has been dealt with in respect to the strength of the executive establishments. It is not, I consider, advisable that the Superintendent should be left any longer to grapple with the multifarious duties of his charge, unaided by any European officer. The time of the Native Assistant is fully occupied by the Treasury work, and minor administrative details which tie him down to the Head Quarters Station. The whole of the rest of the work falls upon the Superintendent, who, in a Province teeming with Planters, has his time fully occupied with Revenue matters. The aid of a European Assistant to decide Civil and Criminal cases in the South of Coorg was solicited from Government, as the only means of meeting the requirements of the case. The aid was refused, but I have little doubt that it must eventually be granted, the inconvenience caused by the sickness or absence of the Superintendent, as twice exemplified in the case of Mr. Kerr, being so serious that it should not, in my opinion, be allowed to recur.

7. I deeply regret the circumstances that compelled Mr. Kerr to leave his post. Though of limited service, he possessed particularly good judgement, and was deservedly respected both by the Coorgs and the European settlers. I believe however that in Captain Cole he has a good substitute. The services of the Native officials named by the latter officer entitle them to be mentioned with approval.

BANGALORE,
28th June 1866.

J. L. Baring
Commissioner.

REPORT

ON THE

JUDICIAL ADMINISTRATION OF COORG,

FOR THE YEAR 1865.

PART I. CIVIL JUSTICE.

There was an increase of 228 suits or 22·2 per cent in the aggregate in the number of original suits filed in the year under report as compared with the previous year. The increase in the Superintendent's Court was 4, in the Duryaft Cutcherry 46, and in the Courts of the Soobadars, 178. The total number of suits filed was 1,025, which with the arrears of the previous year and the cases received by transfer or remand, made an aggregate of 1,074, 95·5 per cent of which were cleared off within the year by the different Courts in the following proportions.

By the Superintendent's Court...	..	..	..	0·5
By the Duryaft Cutcherry ..	..	..	..	9·3
By the Courts of the Soobadars.	..	..	..	90·2

2. The proportion of cases disposed of in favor of the Plaintiffs to the total number of suits which were brought under adjudication was 86·4, and of this proportion, 10·7 were decided in accordance with the terms of the Razeenamahs filed by the parties themselves, 28·4 upon confession of judgment or by consent of the Defendants, and 47·3, after a regular trial upon the merits. The proportion of suits which were either withdrawn by the Plaintiffs or struck off on account of their default to prosecute their claims, or in which they were non-suited, was 9·6 per cent, while the proportion of suits which were decided in favor of the Defendants was only 4 per cent.

3. The number of suits exceeding 300 Rupees in value was 71 as against 37 of the previous year. An increase in the number of suits based on stamped bonds is likewise apparent, the number of suits of this description being 412 in the year under review as against 227 which was the number in the preceding year. This latter fact is satisfactory as it affords evidence of a stricter adherence to the provisions of the Stamp Act being gradually had recourse to than has hitherto prevailed in this Province. Though table No. 2 gives no information as to the proportion which suits for landed property

Original Suits.
Appendix A. Table No. 1.

Classification of Suits.
Appendix A. Table No. 2.

bear to suits relating to personal property, the Superintendent in his Report states that he has found this proportion to be 1·18 per cent as against 2·38, which was the per centage in the year previous.

4. In my last Report, I observed that it was a remarkable fact that the whole of the suits relating to debt transactions should have been set down as having taken place between bankers or traders and agriculturists. The same remark would hold good in regard to the above description of suits in the year under review, if the statistical details given in Table No. 2 were adopted as correct. The Superintendent however in his Report brings to notice that, owing to an error committed in his office, the entries given on the subject in the table were made incorrectly, but that it was too late for him to correct the error and collect accurate information in regard to the same for the year under review. He however adds that he has taken the requisite steps to furnish correct statistics in the next year in connection with this subject.

5. The total value of suits disposed of in all the Courts was Rs. 1,01,317-14-9 shewing an increase of Rs. 19,073-13-2 as compared with the corresponding figure of the preceding year. The average value of each suit was Rs. 114-9-7 against Rs. 106-5-0 of the latter year. The proportion of the value of suits decided in favor of the Plaintiffs to the aggregate value of suits decreed, was 86·98 per cent, or 15·29 in excess of the per centage of 1864. This fact the Superintendent remarks is satisfactory.

6. The whole of the cases disposed of with the exception of 9 were cleared off the file within 12 months from the date of their institution, and only 67 of them appear to have remained pending disposal for more than 6 months. Of the above 9 suits which remained on the files of the Civil Courts for more than 12 months, eight were in the Courts of the Soobadars and one in the Duryaft Cutcherry. In regard to this latter case, the Superintendent explains that it was a very exceptional one in which the Defendant, who was a resident of Tanjore, did not appear in obedience to the several processes issued for his attendance, and not even until his property, which had been attached with a view to compel his attendance, was finally ordered to be sold. The Superintendent adding that similar explanations in regard to the delay in the disposal of suits of long standing may be afforded, observes further that the large increase in the number of suits instituted should also be taken into account in dealing with the subject under consideration. He states that he has adopted the necessary measures to show a more satisfactory result at the close of the current year, and expresses a hope that

Value of Suits.
Appendix A. Table No. 3.

Duration of cases disposed of.
Appendix A. Table No. 4.

he will be able to do so. Under the circumstances represented by the Superintendent, though the average duration for each case disposed of in the past year is found to have been 62 days, or 6 days longer than in the previous year, I cannot consider the result to be altogether unsatisfactory.

7. The aggregate number of suits which were pending in the several Civil Courts of original jurisdiction on the 31st December 1865 was 48. Of these 48 suits, 12 were of a longer duration than 6 months, and 2 than 12 months. The latter were in the Courts of the Soobadars of Yelloosaveraseemay and Yudnalknad. One of these has been reported to have been since disposed of, and it is understood that the other, if not already decided, is likely to be disposed of very shortly. The date of the oldest case which was in arrears at the close of the past year, was 21st July 1864.

8. There was a net increase of Rs. 1,598-10-0 in the amount of stamp paper sold exclusively for Judicial purposes. The aggregate amount realized under this head was Rs. 7,140-0-0. The total amount of costs in connection with original suits was Rupees 8,650-7-3 as against Rs. 5,875-2-9 of the year previous, the average cost of each suit disposed of as calculated upon both the above figures being respectively Rs. 8-6-11 and Rs. 7-3-2. The per centage of the average cost of each suit to the average value was 8·5 and 7·1 respectively.

9. As in his Report for the year 1864, Captain Cole having assumed the population of Coorg at the figure given in the Revenue Khaneh Shoomaree or Census Returns, viz., at 119,118 souls, finds the proportion of original suits to population to have been as one to 115 persons in the past year.

10. The aggregate number of appeal suits which the 3 Courts having appellate civil jurisdiction in respect of the Province of Coorg had to dispose of, was 122. Of the above number 106 were disposed of as follows.

By the Judicial Commissioner	10
By the Superintendent	38
By the Duryaft Cutcherry	58
	<hr/>
	106

11. The proportion of cases appealed to cases appealable, and of cases reversed, modified, or remanded, to those appealed, is given below.

	1865	1864	Increase.	Decrease.
Number of cases appealable ..	526	427	99	0
Number appealed ..	122	117	5	0
Number reversed, modified, or remanded.	21	32	0	11
Per centage of cases appealed to cases appealable ..	23·2	27·40	0	4·20

Do. of cases reversed, modified, } or remanded to cases appealable }	4.0	7.49	0 3.49
Do. Do. to cases appealed	17.2	27.35	0 10.33

12. There were 16 appeal cases pending at the close of the year under review. The date of the oldest of them was the 6th September 1865. The average duration for each appeal suit disposed of was 105.6 days as against 99.5, which was the corresponding figure for the year previous. This result is not satisfactory, but the Superintendent reports that it was principally attributable to certain cases which remained pending on the file of his own Court during the long and serious illness of Mr. W. Hobart Kerr, who was finally obliged on that account to leave India on medical certificate.

13. Following in a certain degree the classification which has been adopted in table No. 2 in regard to original suits, Captain Cole gives the following abstract in his Report with a view to exhibit the nature of the appeal suits disposed of by the Civil Courts, and to compare in this respect the statistics of the appeal and original suits with each other.

NATURE OF SUITS.				Decided.		
				Original.	Appeal.	Pending.
1	Inheritance under Hindu Law	2	3	0	0	0
2	Suits for partition.	3	0	1	0	1
3	Claims to customary fees	1	0	0	0	0
4	Suits between Mortgager and Mortgagee	2	0	0	0	0
5	Do. between Master and Servants	7	0	0	0	0
6	Do. between Land-lord and tenant	3	4	0	0	0
7	Do. for trespass direct, <i>e. g.</i> wrongful innovation personal injury	3	1	0	0	0
8	Do. Do. indirect, <i>e. g.</i> libel, nuisance, &c,	2	0	0	0	0
9	Do. for breach of contract	4	2	0	0	0
10	Do. between partners	7	4	0	0	0
11	Parole debt	124	8	1	1	1
12	Debt on account	186	12	4	4	4
13	Debt on bond stamped	412	18	2	2	2
14	Debt on bond unstamped	170	9	3	3	3
15	Other suits	100	35	5	5	5
Total . . .				1,026	96	16

14. Captain Cole, further in his Report furnishes the following details with regard to the aggregate and average value of appeal suits.

		Aggregate value.		Average value.	
In 1864 .. .. .	.. .. .	12,486	2 9	1,148	10 0
In 1865 .. .. .	.. .. .	16,681	4 9	147	9 11

15. There was an increase of 133 in the number of applications for the execution of decrees, but as there was a more than corresponding increase in the number of those which were disposed of, the balance in arrears at the close of the year was less by 17 applications, the aggregate number of cases in arrears being but 78. The average duration also was 105 days or 5 days less than in the preceding year. These results are on the whole satisfactory, and the more so as the judgment debtors do not appear to have been quite as ready in making payment of their judgment debts as in the preceding year, as will be seen from the following statistical data.

	1885.	1884.
Per centage of amount paid promptly by the Defendants to total amount recovered by execution	91.9	98.26
Per centage of amount for which the Judgment debtors suffered incarceration to total amount recovered	0.3	0.44
Per centage of amount recovered by the sale of the property of the Defendants to total amount recovered	7.8	1.30

16. There was a considerable increase in the number of Civil Miscellaneous Cases, Petitions, &c., which were received in the past year. These have with but few exceptions been all disposed of within the year, the arrears at the close of that period being only 48. The Superintendent further reports that in the disposal of such cases, &c., there was an improvement in his own Court.

17. This table which refers to the number of Civil Debtors confined in the Jail calls for no special remark.

PART II. CRIMINAL JUSTICE.

18. Including the arrears of the previous year, there were in the aggregate 619 Criminal Cases to be disposed of by the Courts in the Province. Of the above number 606 or about 98 per cent were disposed of within the year in the following proportions.

Original Trials.
Appendix B. Table No. 1.

By the Judicial Commissioner	0.2	Per centage of the whole number disposed of.
the Superintendent of Ashtagram as Sessions Judge	0.8	
the Superintendent of Coorg as Assistant Sessions Judge	2.8	
the Superintendent of Coorg as Magistrate of the District	8.4	
the Assistant Superintendent	17.3	
the Duryaft Cutcherry	2.6	
the Soobadars	67.9	

19. The number of prisoners connected with the above 606 Cases, which were disposed of, were in the aggregate 1075. Of whom 23.9 per cent were acquitted, 63 per cent convicted, and 13.1 per cent were discharged or otherwise disposed of without being subjected to a regular trial.

20. Punchayetdars or Assessors were employed by the Courts in 22

Trials conducted with the aid of Assessors or Panchayett-dars. Appendix B. Table No. 2. trials which referred to 36 Prisoners, and their verdicts do not appear to have been in any case set aside.

21. The great majority of Prisoners convicted of Criminal Offences were sentenced to fine. Fines in excess of 50 Rupees were only imposed upon 22 Prisoners who were subjected to this description of punishment, and only 8 Prisoners were mulcted in sums exceeding Rs. 100. The amount inflicted in one case was Rs. 2000 which sum was duly recovered. The case however was an exceptional one, in which the Shroff of the Mercara Talook was the party implicated, and was fined in the above sum, with the view of recovering the amount he had embezzled from the Treasury of the Talook. The average amount of fine for each case in which the Prisoners were punished with fine was Rs. 12—4—1. One Prisoner was sentenced to death, one to transportation for life, and only one Prisoner was flogged, under Section 3 of the Whipping Act.

22. The Superintendent in relation to the sentence of Whipping in his Report observes as follows "The experience gained by me in the Police Court at Bangalore, has shown me that the provisions of this Act are admirably adapted as a deterrent to crime, more especially in the case of juvenile offenders; but I do not consider that a maximum of 30 stripes with a light rattan on the buttock, the mode directed by the Local Government, is equal to the alternative maximum of 150 lashes on the back with a cat of nine tails. The latter is a fearful punishment compared to the former."

23. A comparison between the statistics of the past and of the preceding year, in regard to the punishments awarded in connection with offences, is given by the Superintendent in his report as follows.

						1864	1865
Hanged	..	..	..	..	..	2	1
Transported for life	..	..	..	..	..	0	1
Transported for 7 years	..	..	..	..	..	3	0
Imprisonment not exceeding 7 years	..	..	..	..	..	2	1
do. do. 5 do.	..	..	..	..	..	12	7
do. do. 2 do.	..	..	..	..	..	9	4
do. do. 1 do.	..	..	..	..	..	10	3
do. do. 6 months	..	..	..	..	..	28	27
do. do. 3 do.	..	..	..	..	..	22	19
do. do. 1 do.	..	..	..	..	..	38	24
Fined	..	..	..	..	..	684	606
Flogged	..	..	..	..	..	14	1
Security for good behaviour	..	..	..	..	..	7	2
Total.....						831	706

24. The results shown by the tables are very satisfactory. In no Court was any case pending decision for upwards of three months, while the date of the oldest case which was in arrears was only 4th November 1865.

Duration of cases disposed of and pending.
Appendix B. Tables Nos. 4 & 5.

The average duration was however the same as in the preceding year, viz., 6 days.

25. Five appeals were received in my own Court and 10 in the Court of the Superintendent. All these have been disposed of with the exception of two, which however, only appear to have been brought on the file of the latter officer during the month of November. The decisions of the lower Courts were only interfered with by way of reversal or modification in 2 cases. The average number of days occupied in the disposal of appeal cases was 23 as against 32, which was the corresponding figure of the year previous, a result which is satisfactory.

26. Five Criminal charges were brought against European British subjects in the year under review, and all of them with the exception of one were ordinary cases of assault, and were disposed of by the Superintendent as Justice of the Peace by the infliction of fines. The remaining case is that in which one Mr. Bain, a Coffee Planter, had been charged, under Sections 302, 304 and 326 of the Indian Penal Code, in connection with the death of a cooly in his estate and was committed to the High Court of Judicature at Madras for trial. The Prisoner was duly tried and convicted by the Jury upon one of the charges, but was discharged on his counsel taking exception to the jurisdiction of the Court, on the ground that the Province of Coorg was not subject to the Government of Madras. The Prisoner was however arrested by the Commissioner of Police at Madras upon a fresh warrant, and his case was in accordance with the instructions of His Excellency the Viceroy finally disposed of by the Local Justice of the Peace, upon a charge framed under Section 323 of the Indian Penal Code. The jurisdiction of the High Court of Madras has since been extended to the trial of British subjects committing criminal offences in Coorg, though in other matters connected with its Judicial Administration the Province still remains under the direct control of the Government of India.

27. As in the Civil Department, there was a considerable increase also in the number of miscellaneous cases, petitions, &c., on the files of the Criminal Courts, but the arrears at the close of the year embraced only 34 cases or papers in all. This is not by any means an unsatisfactory result.

28. There was an increase of Rs. 4,940—13—5 in the amount of fines inflicted during the year under report. The aggregate amount imposed being Rs. 7,426—12—6. This amount with the balance of the previous year made

Appeals.
Appendix B. Tables Nos. 6, 7 & 8.

European British Subjects.
Appendix B. Tables Nos. 9 & 10.

Miscellaneous cases, &c.
Appendix B. Table No. 11.

Fines.
Appendix B. Table No. 12.

a total of Rs. 8,806-3-10, of which Rs. 6,516-8-6 were duly recovered. The amount paid as compensation to complainants exclusive of the amount which was collected from the Shroff of the Mercara Talook, in reimbursement of the amount misappropriated by him as already mentioned, was Rs. 1,248-13-5.

PART III. POLICE.

29. The result shown in this table may be summarised as shown in the subjoined abstract, from which it is gratifying to

Return of Crimes.
Appendix C. Table No. 1.

observe that in every point of view crime had considerably decreased during the year under review, and that a fair proportion thereof had been detected.

30. The following statement shows the amount and description of crime committed in the Province of Coorg during the year 1865.

Number.	DESCRIPTION OF OFFENCES.	Reported during the year.		Ascertained to have been not committed.		Permitted to be withdrawn or struck off otherwise.		Detected.		Total.		Undetected.	
		No. of crimes.	Value of property.	No. of crimes.	Value of property.	No. of crimes.	Value of property.	No. of crimes.	Value of property.	No. of crimes.	Value of property.	No. of crimes.	Value of property.
1	Murder 302 to 307 ...	6	0	0	0	0	0	6	0	6	0	0	0
2	Culpable Homicide 304	1	0	0	0	0	0	1	0	1	0	0	0
3	Causing grievous hurt 326, 327, 329, 331, and 333 ...	3	0	2	0	0	0	1	0	3	0	0	0
4	Theft 379 to 383 ...	124	9,219 8	530	737 11 8	0	0	54	3,117 2 4	84	3,854 14 0	40	5,364 10
5	Criminal breach of trust 400 to 409 ...	12	3,004 7 6	2	107 0 0	0	0	10	3,413 4 6	10	3,520 4 6	2	84 3
6	Receiving stolen property dishonestly 411 to 414	3	285 0 0	2	117 0 0	0	0	1	1,683 0 0	3	285 0 0	0	0
7	Committing Mischief 430 to 440 ...	3	0	1	0	0	0	1	0	2	0	1	0
8	Lurking house trespass and house breaking 453 to 460 ...	5	372 8 0	1	136 0 0	0	0	3	80 0 0	4	216 0 0	1	156 8
9	Robbery 392 to 394 ...	1	119 8 0	0	0	0	0	0	0	0	0	1	119 8
10	Dacoity 395 ...	1	175 0 0	0	0	0	0	0	0	0	0	1	175 0
11	Counterfeiting or possessing or delivering counterfeit coin 239 to 243	1	0	1	0	0	0	0	0	1	0	0	0
12	Administering stupefying drugs with intent to commit offence 328 ...	2	0	0	0	0	0	2	0	2	0	0	0
Total...		182	13,775 15 11	539	1,097 11 8	0	0	77	6,778 8 10	116	7,876 2 6	46	5,999 13
1864.....		271	23,166 8 6	644	6,344 11 10	22	0	127	8,634 1 11	193	14,878 13	978	6,287 10
Increase ...		0	0	0	0	0	0	0	0	0	0	0	0
Decrease ...		109	9,390 8 7	5	5,147 0 2	22	0	50	1,855 11 1	77	7,003 11	332	2,387 13
1865 ...		496	290 14 6	633	78 8 0	0	0	401	156 6 6	403	234 14 0	3	56 0
1864.....		597	3,580 9 4	430	216 14 0	54	356 8 0	506	2,703 7 4	590	3,276 13 4	7	303 12
Increase ...		0	0	3	0	0	0	0	0	0	0	0	0
Decrease ...		101	3,289 10 10	0	188 6 0	0	356 8 0	105	2,547 0 10	97	3,041 14 10	4	247 12
Grand Total 1865		635	14,065 14 3	772	1,176 3 8	59	0	478	6,934 13 4	609	8,111 1 0	499	5,955 13
Do, 1864		868	26,747 1 10	714	1,411 9 10	76	356 8 0	633	11,837 9 3	783	16,155 11 1	185	5,591 6
Increase...		0	0	0	0	0	0	0	0	0	0	0	0
Decrease...		210	12,680 3 5	2	5,285 6 2	17	356 8 0	155	4,402 11 11	174	10,044 10	136	2,635 9

31. The decrease in the number of crimes and criminals is ascribed by the Superintendent to the fact of the provisions of the Penal Code being better understood by the people and enforced by the local authorities, but can hardly I fancy be attributable to that cause only. The increase of material prosperity throughout the Province, owing to the large expenditure of capital by the European Coffee Planters has doubtless had a considerable effect in reducing crime, which has never at any time been very great in this favored Province.

32. With reference to the single case of dacoity, which appears from the above statement to have remained undetected, the Superintendent reports that it occurred near the frontier, and that the offenders made good their retreat into the Mysore Province from whence they appear to have started upon their predatory excursion.

33. The per centage of offences detected to the number of offences reported to have been committed, was 92·56 an unusually favorable result.

34. The average value of property proved to have been lost in each of the cases involving offences relating to property was Rs. 24—7—4, while that of property recovered was Rs. 14—8—1, or 69·41 per cent. The corresponding per centage in 1864 was 62·96.

35. Assuming the population of Coorg at 119,118 souls, the number of offences reported to have been actually committed, will be found to bear a proportion to the population of one to 203 persons.

36. The Superintendent in his Report also furnishes an Abstract Statement showing the nature of the offences involved in the Criminal Cases actually brought before the Criminal Courts and disposed of by them. This is as follows.

DESCRIPTION OF OFFENCES.	1864.	1865.
Counterfeiting or possessing or delivering counterfeit Coin, 231, 232		
236, 339 to 243.	0	1
Fraudulent possession or delivery of altered coins, 250 to 254	1	0
Murder, 302 to 303	2	5
Attempt to Murder, 307	1	0
Culpable Homicide, 304	4	2
Causing grievous hurt, 326, 327, 329, 331, and 333	2	2
Administering stupefying drugs with intent to commit offence, 328.	2	2
Kidnapping, 363 to 369	2	1
Rape, 376.	2	0
Theft, 379 to 382	142	82
Robbery, 392	0	1
Dacoity, 395, 398, 399 and 402	1	0
Criminal breach of trust, 406 to 409	7	13

Receiving stolen property dishonestly, 411 to 414 ..	6	3
Committing Mischief, 436 to 440 ..	2	2
Lurking house trespass, house breaking, 453 to 460 ..	6	3
Attempt to commit suicide, 309 ..	2	0
Offences against tranquillity, 143 to 158 and 160 ..	39	4
Bribery, 161 to 165 ..	1	1
Contempt of lawful authority of Public servants, 172 to 190 ..	5	9
Giving false evidence, 193, 196 and 220 ..	5	1
Intentional omission on the part of a Public Servant to apprehend an offender, 221 ..	1	0
Escape from confinement negligently suffered by a Public Servant. 223 ..	3	2
Resistance to lawful apprehension, 224 and 225 ..	2	3
Offences relating to Government Stamps, 229 ..	1	1
Offences relating to weights and measures, 264 to 267 ..	6	3
Offences affecting public health, safety, convenience, decency and morals, 269 to 294 ..	2	1
Offences relating to religion, 295 to 298 ..	0	1
Concealment of birth, 318 ..	1	2
Hurt, 323, to 325, 330, 332, 334 to 338 ..	13	8
Wrongful restraint or confinement, 341 to 348 ..	1	3
Criminal force and assault, 352 to 355, 357 and 358 ..	134	173
Extortion, 384 to 385 ..	0	1
Criminal misappropriation of property, 403 to 404 ..	18	7
Cheating, 417 to 420 ..	8	6
Fraudulent deeds and disposition of property, 421 to 424 ..	1	0
Mischief, 426 to 435 ..	33	26
Criminal trespass, 447, 448, 451, 461 and 462 ..	10	14
Forgery, 465, 469 and 471 ..	3	2
Criminal breach of contract of service, 490 to 492 ..	0	6
Offences relating to Marriage, 494, 497 and 498 ..	4	6
Defamation, 500 to 502 ..	2	0
Criminal intimidation, insult and annoyance, 504, 506 and 510 ..	88	103
Offences under any other special or Local Law ..	214	104
Offences summarily disposed of under Section 163 of the Criminal Procedure Code ..	0	1
Total.	777	600

Accidental deaths.
Appendix C. Table No. 2.

37. This Statement calls for no special remark.

PART IV. JAIL.

38. The number of Convicts and Prisoners under trial, who were received into the Mercara Jail in the past year, was respectively 125 and 79, making with those in confinement at the commencement of the year the aggregate number of 188 Convicts and 84 Prisoners under trial. There were 55 Convicts and 9 Prisoners under trial in the Jail on the 31st December 1865. The daily average of both classes of Prisoners was 72.3.

39. There appears to have been more sickness and mortality among

Sickness and mortality of the Prisoners in the year under report than in the previous year. The subjoined abstract gives the usual per-centages in connection with the subject under notice, as also the proportions found upon the principles of calculation referred to in letter, No. 265 of the 30th June 1865, from the President of the Sanitary Commission of Bengal.

Per centage of sick prisoners to the total number of prisoners admitted.	1865.	1864.	Increase.	Decrease.
Convicts	69.1	32.7	36.4	0
Under trial prisoners..	13.1	23.1	0	10.0
Total..	82.	30.2	51.8	0
Per centage of deaths to the total number of prisoners admitted.				
Convicts	2.7	2.3	0.4	0
Under trial prisoners..	1.4	0	1.4	0
Total .	2.6	2.5	0.55	0
Per centage of deaths to the total number of sick prisoners.				
Convicts	3.8	7.	0	3.2
Under trial prisoners.	18.5	0	18.5	0
Total .	5.	6.74	0	1.74
Per centage of deaths to the total population.				
Convicts.. ..	..	..	..	} 6.9
Under trial prisoners.	..	..	..
			Total....	
Per centage of deaths to the daily average strength.				
Convicts .. ..	..	..	..	} 18.05
Under trial prisoners	..	..	..
			Total....	

40. The aggregate amount of cost incurred on account of the Prisoners in the Jail, was Rs. 5,666—13—4, showing an increase of 585—0—1 over the expenditure of the previous year. This increase is entirely owing to the dearness of the provisions. The average daily cost of each Prisoner was as follows.

	1865.	1864.
Feeding.	0 1 6	0 1 6
Guarding.	0 1 6	0 1 3
Clothing.	0 0 1	0 0 2½
Hospital charges	0 0 1	0 0 0½
Contingencies.	0 0 3	0 0 4
Total.....	0 3 5	0 3 4

41. This return exhibits the aggregate value of work executed by the Convicts at Rs. 4,815—13—8, and makes out that the average value of the daily work of each Prisoner was Annas 3—9, showing an excess of 4 Pies per diem

Nature and value of work.
Appendix D. Table No. 4.

over the cost of each Prisoner. Upon what principles the value of the out of door work of the Prisoners has been computed at the above high rate, I am at a loss to conjecture, unless their daily labor has been calculated at the average rate of wages which coolies can command for their free labor. Statistical data of the above character do not afford any very safe guide for computation excepting as approximating more or less to the truth.

GENERAL REMARKS.

42. The remarks made by me under the corresponding head in paras. 59—62 of my Report on Mysore, are equally applicable in general to the operations of the Judicial Courts of Coorg, and it is not necessary for me here to advert to them in detail.

43. In my last Report, I made allusion to the fact that 16 of the Parpatigars of the Nads or Hobalees were authorized to exercise the powers of a Subordinate Magistrate of the 2nd Class. One of these officials died in October 1865, and his successor in office has not been invested with Criminal powers, no recommendation from the Superintendent having been as yet received to that effect.

44. The Registration Act was extended to Coorg in July 1865, and has come into force in the Province about 7 months previous to its introduction in Mysore. All the other Acts of Imperial Legislature and Miscellaneous Local Rules and Regulations, which have from time to time been brought into operation in the latter Territory, have been introduced as well in the former Province.

45. I have already expressed my concurrence in the opinion of Captain Cole, that all interference with the constitution of the rural Police of the Country is inadvisable. That officer in his Report for the past year reiterates his views on the subject.

46. There is a sort of regular Police Establishment in Mercara for the Town or Pettah called also the Mahadevapettah, consisting of 2 Duffadars and 14 Peons. The Superintendent further, with regard to Veerarajendrapett, another important town which is stated to be growing daily a large centre of the rising and important trade of Coorg, reports during a recent visit paid by him to that place, the inhabitants petitioned him for a body of regular Police for the patrol and protection of their Town, and that he is engaged in endeavouring to raise Municipal Funds for the Conservancy of the Pettah and the maintenance of the above Establishment.

47. The Supreme Government has already sanctioned the construction of a New Jail at Mercara in substitution of the present very unsuitable building, but the requisite allotment of funds to the work has not been yet made. The

Superintendent recommends that the work be commenced as soon as possible after the monsoon, and I fully support his recommendation. That officer moreover, with a view of impressing upon Government the advisability of speedily carrying out the above measure, reports that on one occasion during the past year indications of an outbreak of cholera manifested themselves in the Jail, although without fatal results. The general health of the Prisoners however was very unsatisfactory, and the admissions into Hospital as well as deaths were much more numerous than during the previous year. There has been considerable attention shown to the discipline, conservancy, and general management of the Jail, but until a new Jail has been constructed it is not likely that the ratio of sickness and the death rate will be materially reduced.

48. A statement showing the quantity of work performed by each officer connected with the Judicial Administration of the Province is herewith submitted.

49. During the whole of the past year Mr. W. Hobart Kerr of the Madras Civil Service, held the post of Superintendent of Coorg, but owing to ill health was obliged on the 3rd of March 1865, to quit his post and proceed to sea upon six months leave of absence for the restoration of his health. Mr. Kerr having had a recurrence of the malady from which he suffered, has been obliged, during the early part of the current year, to throw up his appointment of Superintendent of Coorg and return to England. Captain Cole, who has now finally succeeded to the appointment of Superintendent of Coorg, acted in that capacity during Mr. Kerr's lengthened absence, which was protracted from the date above given to the 14th of October 1865, or for 7 months and eleven days. The general results of the administration during the year under review, which were on the whole very satisfactory, were due to the zealous exertions and unremitting attention of both officers, but they would in all probability have proved even more successful had it not been that Mr. Kerr, who returned from leave with a constitution more or less shattered, was again so prostrated by severe illness towards the close of the year as to be almost unable to attend to business for days together.

50. In Mr. Kerr the Government have lost an efficient and experienced officer, and the people of Coorg a kind benefactor, whom they had reason to respect and look up to for counsel and the redress of their grievances. Captain Cole, who having taken the larger and more conspicuous share in the conduct of the business of the past year, has been appropriately called upon to furnish the present Returns and Report of the Administration of the Province, is an officer in whom the Government and the people of Coorg alike replace confidence, and who is sure from his conciliatory manners and accessibility to become deservedly popular with the latter.

51. In his Report he specially commends to the favorable consideration of Government Mr. Cheppudy Soobiah; the Native Assistant Superintendent, and Kodaundah Appachoo, the Moktasir of the Duryaft Cutcherry, for the zealous and efficient manner in which they have respectively discharged their duties, as well as his Judicial Sheristadar Shamanah, who is said still to continue to merit the high opinion which successive Superintendents have one and all entertained of him.

COORG JUDL. COMM'R.'S OFFICE, }
BANGALORE, *The 23rd June 1866.* }

CHAS. B. SAUNDERS,
Judicial Commissioner.

JUDICIAL ADMINISTRATION REPORT,

BY THE SUPERINTENDENT OF COORG.

FOR 1865.

SECTION I.

PART I. CIVIL JUSTICE.

1. The task of submitting the Administration Report for the past year has again devolved on me, owing to the lamented illness of Mr. Kerr, the Superintendent of Coorg, who has again been obliged to leave on medical certificate.

Introduction.

2. There were 43 suits pending at the close of the previous year, and 1,037 were received on the file during the year under review, making an aggregate of 1,080 suits, or an increase of 220 suits over the year previous. Out of this number 1,032 suits were disposed of, and 48 suits remained pending in all the Courts of the Province at the close of the year. The suits had increased by 220, but the number pending at the close of the year only exceeded by 5 that of the year previous.

Original Suits.

3. This large increase in the number of Original Suits, being one fourth of the year previous, occurred in the following Courts.

Distribution of Increase.

	Number.
Superintendent's Court	5
Daryaft Cutcherry ..	49
Soubadars	186
Total.....	220

4. Out of the number of 1032 suits disposed of, 886 were adjudged in favor of Plaintiffs and 41 in favor of Defendants, whilst 105 were otherwise disposed of by dismissal,

How adjudged.

withdrawal, &c. The per centage of decisions in favor of Plaintiffs was 86·35 against 88·48 of the preceding year.

5. The subjoined table will show the classification of Original Suits, disposed of during the year, as contrasted with that of the previous year.

Classification of Original Suits.		1864.	1865.
1	Inheritance under Hindoo Law	6	2
2	Suits for partition	7	3
3	Claims of customary fees	0	1
4	Suits between Mortgager and Mortgagee	5	2
5	Do. do. Master and servant	16	7
6	Do. do. Landlord and Tenant	6	3
7	Do. for trespass direct, <i>e. g.</i> wrongful innovation, personal injury	11	3
8	Do. do. indict, <i>e. g.</i> libel, nuisance, &c.	0	2
9	Do. for Breach of contract	7	4
10	Do. between Partners	5	7
11	Parole Debt	110	124
12	Debt on account	104	186
13	Debt on bond stamped	227	412
14	Debt on bond unstamped	193	170
15	Other suits	119	100
Total.		816	1,026

The large increase in the number of suits on bonds stamped, and decrease in that of unstamped bonds, would appear very satisfactory as evincing a better enforcement of the regulations of the Stamp Act.

6. The proportion of suits for landed property to personal is 1·18 per cent, against 2·38 per cent of the year previous.

7. The actions brought by bankers and traders against agriculturists cannot be shown, as the accounts have not been kept separately, owing to an error in the original translation of the heading of statement No. 2. It is too late for me to collect the information, more especially as great delay has already unavoidably occurred in the submission of this Report. I have however adopted measures to ensure the submission of these interesting statistics for the future.

8. The total value of property litigated was Rupees 1,23,080—1—7 against Rs. 91,324 of the previous year, or an increase of Rs. 31,756—1—7, of which Rupees 74,234—6—8 were decreed in favor of Plaintiffs, and Rs. 11,105—12—10 of Defendants.

Rs. 15,977—11—3 being otherwise disposed of by default, &c. Suits involving Rupees 21,762—2—10 were pending at the close of the year under review.

The proportion awarded in favor of Plaintiffs being 86·98 per cent against 71·69 of the year previous. The average amount litigated in each suit was Rupees 110—9—2 against Rupees 106—3—0 of 1864. The large proportion awarded in favour of Plaintiffs is satisfactory.

9. The average duration of original cases disposed of was, 62 days against 56 in 1864. This is not satisfactory, but it is to be remembered that the number of suits increased during the year by one-fourth, whilst those remaining at the close of the year only exceeded by 5 those of 1864. The longest time shewn in the disposal of any case as compared with the year previous is also very unsatisfactory. I have called the attention of the Sub-Courts to these points, and trust a more satisfactory result will be shewn at the close of this year.

The case in the Duryaft Cutcherry was an exceptional one, and was due to the defendant being a resident of Tanjore, and not appearing in answer to the different processes until the final process of ordering his property, which had been attached, to be sold. This suit has since been disposed of. The long period shewn in the disposal of some of the suits, as per statement No. 4 is also attributable to the same cause.

10. No census of the population of this Province has ever been taken, and for the reasons assigned by me last year it would be difficult to estimate the actual cost of litigation to population. The last Khani Shoomar accounts shew a population of 119,118 souls, which would give a proportion of one suit to 115 persons against one to 136 souls in 1864.

11. The average duration of the suits pending at the close of the year, was 117 days, against 113 days of the year previous, whilst the average duration of the several Courts in the Madras Presidency for 1864—65 was 240 days. Their files are no doubt heavier, but they have no other work to attend to.

12. The total amount of costs of Original Suits amounted to Rupees 8,650—7—0, against Rupees 5,875—2—9 of the year previous, and the average cost of each suit disposed of during the year was Rupees 8—6—11 against Rupees 7—3—2 of the year previous.

13. 90 Appeals were filed during the year and 23 remained of the

Appeals. year previous, making an aggregate of 113 Appeals against 109 for the preceding year, and were disposed of as follows :—

		1864.	1865.
1	Confirmed	38	37
2	Modified	30	26
3	Reversed	15	12
4	Remanded	2	8
5	Transferred	1	1
6	Otherwise disposed of	0	13
	Total	86	97

16 Appeals were pending at the close of the year, 20 appeals were adjudged in favor of appellants and 44 of respondents, out of the number actually disposed of on trial.

14. The average duration of each Appeal Suit, actually tried, does not contrast favorably with the year previous, being 113 days against 107. The result as shewn against myself is particularly unfavourable, but is principally due to those cases, which had remained pending during the long and serious illness of Mr. Kerr, which finally led to his being obliged to leave on medical certificate. But the average of the whole of the cases disposed of is more favorable, being 99 days against 107. The longest time occupied in the disposal of any suit was 303 days, against 252 of the year previous.

15. There were 16 Appeal cases pending at the close of the year under review, against 23 of the year previous, of these, 8 cases or one half, were pending for periods not exceeding one month; 4 for periods within 2 months; 2 within 3 months; and 2 within 4 months only.

16. The total value of suits appealed was Rupees 16,681—4—9 or an average of Rupees 147—9—11 per each appeal suit, whilst the value of such suits during 1864 was Rs. 12,486—2—9, and each appeal averaged Rupees 114—8—10.

17. The subjoined table, following the same classification as that adopted for the Original Suits, will exhibit the relative proportion of Appeals to Original Suits under their several heads.

NATURE OF SUITS.	DECIDED.		Pen- ding.
	Original.	Appeal.	
1 Inheritance under Hindoo Law	2	8	0
2 Suits for Partition	3	0	1
3 Claims to customary fees	1	0	0
4 Suits between Mortgager and Mortgagee	2	0	0
5 Do. between Master and servants	7	0	0
6 Do. between Landlords and Tenants	3	4	0
7 Do. for trespass, direct, e. g. wrongful innovation, personal injury	3	1	0
8 Do. do. indirect, e. g. libel, nuisance, &c.	2	0	0
9 Do. for breach of Contract	4	2	0
10 Do. between partners	7	4	0
11 Parole debt	124	8	1
12 Debt on account	186	12	4
13 Debt on bond stamped	412	18	2
14 Debt on bond unstamped	170	9	3
15 Other suits	100	35	5
Total	1,026	96	16

I would remark that some of the appeals entered as decided, include those made during the year previous.

18. The relative disposal of the Suits, Original and Appeal, by the several Courts of the Province, was as follows:

	Original suits.	Appeals.
1 Superintendent's Court.	5	38
2 Duryaft Cutcherry.	95	58
3 Subadar's Court	926	0
Total.	1,026	96

19. There were 600 applications for the execution of decrees, for a total of Rupees 56,983 received during the year under review, and 95 remained of the year previous, making an aggregate of 695, out of which, 617 were disposed of, and only 78 remained unexecuted at the close of the year. The total number of applications during the previous year was 590, and the increase of 105 or 17·95 per cent in one year will shew how the work of the several Courts is annually increasing, and that necessity for the increase of establishments which has so often been urged, both by myself and my predecessors.

20. The average number of days occupied in the disposal of such cases, was 99 against 106 of 1864.

21. The receipt and disposal of Miscellaneous cases, reports and papers, as contrasted between 1864 and 1865 will be shown by the subjoined table.

						1864.	1865.
Pending	..	..	..	..	..	148	59
Received	..	..	..	..	..	7,439	8,969
Total...						7,587	9,028
Disposed of	..	..	..	..	..	7,528	8,980
Remaining	..	..	..	..	..	59	48

22. The average number of days, occupied in the disposal of such Cases and Papers in the Superintendent's Court and Duryaft Cutcherry is shown below.

1. Miscellaneous Cases	..	..	26
2. Petitions	..	..	2
3. Other Papers	..	..	2

The improvement effected during the past year in the rapid disposal of such papers is satisfactory. The average in the subordinate Courts has not been correctly kept, and is untrustworthy owing to there being only one Goomastah, on whom devolves the work of all Departments, Judicial, Criminal and Revenue.

23. These Cases and papers were disposed by
By what Courts disposed of. the several Courts as shown below.

						Disposed.	Pending.
1 Superintendent's Court	..	..	..	..	..	1,403	12
2 Duryaft Cutcherry	..	..	..	..	..	1,120	2
3 Soubadars	..	..	..	..	..	6,457	34
Total...						8,980	48

24. There were 12 Civil Debtors confined during 1865, against 8 in 1864, for periods ranging from 29 to 90 days. These Debtors were all discharged during the year, and none remained in confinement at the close of 1865.

25. The sum of Rupees 18271—8—0 was realized during the year by the sale of stamps, against Rupees 16,153—8—0 during the year previous.

26. It may not be out of place here to note the results of the operation of Act XVI of 1864. It was introduced in this Province in July last, but owing to the delay in the appointment of a Registrar General at Bangalore, and consequent delay in the receipt of the necessary Registers and copies of Rules, no correct conclusion can be drawn regarding the working of the Act

The number of documents, registered under the several Sections of the Act, and the amount of fees realized up to the close of 1865, will be shown by the subjoined table.

SECTIONS.	Documents.	Fees.		
		Rs.	As.	P.
13	50	110	0	0
16	122	135	0	0
17	9	25	8	0
Total .	181	270	8	0

Out of this sum, Rupees 19, being the registration fees collected on 2 instruments, were refunded in consequence of the registration having been cancelled.

27. For the purposes of registration, the Superintendent of Coorg has been declared the District Registrar and the Soubadars of Talooks have been appointed the Deputy Registrars. The former receives 50 Rupees per mensem, and 30 Rupees for a writer, and the latter receive 10 Rupees each per mensem, when the fee collected by them does not exceed 30 Rupees, and 15 Rupees when it exceeds that sum. If sums within 10 Rupees be collected, they are entitled to the full amount.

28. The Commissioner of Mysore and Coorg has been pleased to direct that the Madras Scale of Fees should be adopted.

29. It has already been brought to the notice of Government, that the Establishments of Coorg are underhanded and underpaid, and the great increase in the work of the subordinate officials, in their capacity as Civil Judges, would tend to shew more forcibly the necessity for an increase. Great credit would appear due to the Soubadar of the Mercara Talook, Coloowanda Carriappah, and to the Soubadar of Mahadeopett, Biddanda Bopoo, for the state of their files, which were clear as regards Original Suits, at the close of the year.

PART II. CRIMINAL JUSTICE.

Penal Statistics.

30. The powers of a Sub-Magistrate of the 2nd Class, under the provisions of the Criminal Procedure Code, have been conferred on 16 Parputtigars, or Deputy Soubadars in charge of 16 Naads, or Sub-divisions of the several Talooks, of whom one died in October, and the powers were not conferred on the Parputtigar who succeeded to the vacancy. These powers have only been conferred on men specially selected for their general intelligence and experience, and the extension of the number of Sub-Courts has proved a great boon to the people, as petty cases are now disposed of in most of the Naads, and the inhabitants are spared the trouble and expense attendant on having to appear at the distant Talook Soobadar's Court.

31. There were 8 Cases, involving 8 Prisoners remaining on the file of the year previous, and 711 Cases, involving 1253 Prisoners, were filed during the year under review, making an aggregate of 1261 Prisoners, whilst in the year previous there were 966 Cases and 1522 Prisoners. This diminution in the number of crimes and criminals is satisfactory, and is an evident sign of the provisions of the Penal Code being better understood by the people, and enforced by the local authorities.

Disposal of Cases. 32. These cases were disposed of as follows.

Disposed of	..	..	..	..	600
Transferred	..	..	..	..	28
Committed	..	..	..	..	78

Total 706

Remaining 13

Grand Total 719

33. The subjoined statement will shew the relative proportion of cases disposed of between the several Courts of the Province.

1	Superintendent	..	..	..	68 or 11.34 Per cent.
1	Assistant Superintendent	..	..	..	105 or 17.50 "
1	Daryaft cutcherry	..	..	..	16 or 2.66 "
8	Soubadars	..	..	..	324 or 54.0 "
16	Parputtigars	..	..	..	87 or 14.50 "
Total.....					600 or 100 "

34. The several descriptions of offences brought to trial during the year, as contrasted with those of the year previous will be seen by the subjoined table under the respective Sections of the Penal Code.

DESCRIPTION OF OFFENCES.	1864	1865
Counterfeiting or possessing or delivering Counterfeit Coin, 231, 232, 236, 239, to 243.	0	1
Fraudulent possession or delivery of altered coins, 250 to 254	1	0
Murder, 302 to 303	2	1
Attempt to murder, 307	1	0
Culpable Homicide, 304	4	1
Causing grievous hurt, 326, 327, 329, 331 and 333	2	2
Administering stupefying drugs with intent to commit offence, 328	2	2
Kidnapping, 363 to 369	2	1
Rape, 376	2	0
Theft, 379 to 382	142	82
Robbery, 392	0	1
Dacoity, 395, 398, 399, and 402	1	0
Criminal breach of trust, 406 to 409	7	13
Receiving stolen property dishonestly, 411 to 414	6	3
Committing mischief, 436 to 440	2	1
Lurking house trespass, house breaking, 433 to 460	6	3
Attempt to commit suicide, 309	2	0
Offences against tranquillity, 143 to 158 and 160	39	4
Bribery 161 to 165	1	1
Contempt of lawful authority of Public servants 172 to 190	5	9
Giving false evidence 193, 196 and 220	5	1
Intentional omission on the part of a Public servant to apprehend an offender 221	1	0
Escape from confinement negligently suffered by a public servant 223.. ..	3	2
Resistance to lawful apprehension 224 and 225	2	3
Offences relating to Government Stamps 229	1	1
Offences relating to weights and measures 264 to 267	6	3
Offences affecting public health, safety, convenience, decency and morals 269 to 294	2	1
Offences relating to religion 295 to 298	0	1
Concealment of birth 318	1	3
Hurt 323 to 325, 330, 332, 334 to 338	13	8
Wrongful restraint or confinement 341 to 348.. ..	1	3
Criminal force and assault 352 to 355, 357 and 358	134	173
Extortion 384 to 385	0	1
Criminal misappropriation of property 403 to 404	18	7
Cheating 417 to 420	8	6
Fraudulent deeds and disposition of property 421 to 424	1	0
Mischief 426 to 435	33	26
Criminal trespass 447, 448, 451, 461 and 462	10	14
Forgery 465, 469 and 471	3	2
Criminal breach of contract of service 490 to 492	0	6
Offences relating to marriage 494, 497 and 498	4	6
Defamation 500 to 502	2	0
Criminal intimidation, insult and annoyance 504, 506 and 510	88	103
Offences under any other Special or Local Law	214	104
Offences summarily disposed of under section 163 of the Criminal Procedure Code	0	1
Total	777	600

35. The foregoing statement only shews the cases disposed of in the Province, and does not include those committed to the Court of the Superintendent of the Ashtagram Division, who is vested with the higher powers of a Session Judge in regard to Coorg, nor those committed to the High Court of Madras. There were 5 cases of murder and one of arson, tried by the Session Judge, of which 3 of murder were proved and 2 were dismissed, and the conviction in the case of arson was quashed by the Judicial Commissioner of Coorg on appeal.

36. The proportion of convictions to acquittals was 76 to 24 respectively.

Per centage of convictions and acquittals.

37. Assuming the population of Coorg to be 119,118 souls, the number of offences brought to trial would bear a proportion to the population of one to every 178 of the population.

Per centage to population.

38. The aid of PUNCHAYET was called in by the several Courts as follows.

Punchayets.

Superintendent's Court in one case.
Assistant Superintendent.
Soubadars.

In the Duryaft Cutcherry, which is one of the oldest institutions of the country, a PUNCHAYET regularly sits and aids the MOKTASUR in the decision of all suits. These assessors are selected in rotation from all parts of the country, and the working of such a Court, in which the people themselves by turns aid in the disposal of cases, has afforded general satisfaction.

39. The nature and degrees of punishments, inflicted by the different Courts of the Province, are given in Table No. 4.

Nature of punishment. There was one person sentenced to death during the year under review, one was transported for life, 95 were sentenced to imprisonment for various periods ranging from 1 month to 7 years. One flogged, and one called upon to furnish security for good behaviour and one to keep the peace. There were 598 prisoners fined in sums not exceeding Rupees 100, and 8 in sums from Rupees 100 to 2000. The latter was an exceptional case, being the amount of fine inflicted on the Shroff of the Mercara Talook in addition to imprisonment, with the view of covering the amount lost by defalcation on his part.

40. The average amount of fine for each case, in which fines were inflicted, was Rupees 20—2—0, against Rupees 9—9—4 in 1864, and for each Prisoner, Rupees 12—4—1 against Rupees 6—6—11.

Average of fines to cases.

41. The average duration in the disposal of each Original Case was the same as the year before, viz, 6 days; and the longest period occupied in the disposal of any case, was 84 days against 72 in 1864. The date of the oldest case pending was 4th November 1865.

42. There were only 10 Cases appealed during the year, against 17 of the year previous, and were disposed of as follows.

Confined ...	..	..	..	..	..	5
Modified ..	..	..	..	..	..	1
Rejected ...	..	..	..	..	..	2
						<hr/> 8
Remaining	..	..	..	..	..	2

Total.....10

43. The average number of days, occupied in the disposal of Appeals, was 13 days, against 19 in 1864, and the longest time occupied in any case, was 25 days against 63 days in 1864. This improvement is satisfactory. There were 2 Appeals pending at the close of the year, and the date of the oldest case was 13th November 1865.

44. There were 5 cases against European British Subjects, against 2 in 1864. One was struck off for default, in two cases fines were inflicted within 100 Rupees, and in one within 500 Rupees. In one case the prisoner was committed to the High Court. This was the notorious case of Mr. Bsin, a Planter, who was committed to stand his trial at the High Court, under Sections 302, 304, and 326, for having caused the death of a cooly on his Estate. The prisoner was duly tried and found guilty by the Jury, and the Judge was about passing sentence against him, when his Council took exception to the jurisdiction of the Court, on the grounds that the Province of Coorg was not subject to the Government of Madras. The plea of non-jurisdiction was admitted and the prisoner discharged, but he was at once rearrested on a fresh warrant and sent back to Coorg. The Case was finally disposed of according to the instructions of His Excellency the Governor General in Council, by the Superintendent as a Justice of the Peace, under Section 323 of the Penal Code. Coorg has since, though still under the direct control of the Government of India, been made subject to the Jurisdiction of the High Court of Madras in matters relative to British subjects.

45. There were 9,810 Miscellaneous cases, Petitions, &c., received during the year by the several Courts, of which 9,776 were disposed of during the year. The oldest paper, pending at the close of the year, was dated 15th

Miscellaneous Cases.

October 1865. The Miscellaneous papers for 1864 amounted to 8910, showing an increase of 900 Cases &c., or a per centage of 10½.

46. The distribution of the fines, inflicted by the several Courts,

Fines. was as follows.

Superintendent	3,894	8	0
Native Assistant Superintendent	1,921	3	6
Durruft Cutcherry	167	0	0
Soubadars	1,086	7	0
Parputtigars	357	10	0
Total	7,426	12	6
Balance of 1864 ..	563	6	4
Grand Total.	7,990	2	10

Of this sum Rupees 6,516—8—6 were recovered, and for Rupees 1,010—12—9 the defaulters suffered imprisonment in lieu, leaving a balance of Rupees 462—13—7, a portion of which will probably be paid up towards the close of the period of the original punishment awarded against the offenders.

47. Rupees 2,007—7—0 were awarded as compensation to complainants under the provisions of Section 44 of the Criminal Procedure Code, of which Rupees 1,151—5—5 were recovered and paid.

48. There were no amends awarded under Section 270 of the Criminal Procedure Code.

49. No property was adjudged as confiscated or forfeited, under the provisions of Section 184 of the Procedure Code.

50. The various nature of punishments awarded, as contrasted with those of 1864, will be seen in the subjoined tabular Statement.

	1864.	1865.
Hanged	2	1
Transported for life	0	1
Ditto for 7 years	3	0
Ditto above 14 years	0	0
Imprisonment not exceeding 14 years	0	0
Ditto do. 10 do.	0	0
Ditto do. 7 do.	2	1
Ditto do. 5 do.	12	7
Ditto do. 2 do.	9	4
Ditto do. 1 do.	10	3
Ditto do. 6 months	28	27
Ditto do. 3 do.	22	19
Ditto do. 1 do.	38	34
Fined	684	606
Flogged	14	1
Security for good behaviour	7	2
Total.	831	706

51. The number of stripes awarded under Act VI. of 1864 was as follows.

	Prisoners.
10 Stripes . .	0
10 to 20 do.	1
20 to 30 do.	0
Total .	1

Of these no adults were whipped in lieu of other punishments, and only one on a second conviction. The experience gained by me in the Police Court at Bangalore, has shewn me that the provisions of this Act are admirably adapted as a deterrent to crime, more especially in the case of juvenile offenders, but I do not consider that a maximum of 30 stripes with a light rattan on the buttock, the mode directed by the Local Government, is equal to the alternative maximum of 150 lashes on the back with a cat of nine tails. The latter is a fearful punishment compared to the former.

52. There is no Lunatic Asylum in Coorg, and no Lunatics were taken up during the year. It is to be hoped, that this is a good sign of the sanity of the people, and that coffee speculations have not had a prejudicial effect.

53. It is hoped that the results shewn in the report of the Criminal Administration, both, as regards the diminution in crime and criminals, and the better working of the Courts, will be considered satisfactory.

PART III. POLICE.

54. The Jumma Ryots of Coorg holding their lands on feudal tenures, continue to perform the various duties of Police in a most efficient manner, and no change has taken place in the organization of the Police of the Province.

The opinion expressed by me last year in strongly deprecating any changes in the system of feudal and village Police, which prevails in Coorg, has been strengthened by a greater and more intimate knowledge of the peculiar institutions and customs of this most remarkable race.

55. I pointed out last year that any other system would be distasteful to the people and prove a direct blow at the nationality of the Coorgs. The more the subject is considered, the greater seems to me to be the importance of fostering and preserving

intact the nationality and individuality of the Coorg race. During that momentous period of the British career in India, when so large a proportion of our native force had proved so disloyal and treacherous, and the rest had to be narrowly watched, the mountain passes of Coorg were held by the Jumma Ryots, and not a man of the force in Coorg could have escaped. The conditions of their feudal tenure would also enable a force to be rapidly raised for any emergency, either within or without the Province.

Crimes.

56. The relative proportion between discovered and untraced crime will be seen by the subjoined tabular Statement.

There was a total of 658 offences, involving Rupees 14,066—14—5 reported during the year, against 868 offences, involving Rupees 26,747—1—10 of 1864, 609 offences, involving Rupees 8,111—1—0 were detected, and only 49 cases, the amount of property involved in which was Rs. 5,955—13—5, remained undetected. The per centage of detected to total offences reported was 92·56, and of undetected 7·44.

Statement of crimes committed in the Province of Coorg during the year 1865.

Number.	DESCRIPTION OF OFFENCES.	Reported during the year.		Ascertained to have been not committed.		Permitted to be withdrawn or struck off otherwise.		Detected.		Total.		Undetected.	
		No. of Crimes.		No. of Crimes.		No. of Crimes.		No. of Crimes.		No. of Crimes.		No. of Crimes.	
1	Murder 302 to 307	6	0 0 0	0	0 0 0	0	0 0 0	6	0 0 0	6	0 0 0	0	0 0 0
2	Culpable Homicide 304.	1	0 0 0	0	0 0 0	0	0 0 0	1	0 0 0	1	0 0 0	0	0 0 0
3	Causing grievous hurt 326 327 329 331 & 333.	3	0 0 0	2	0 0 0	0	0 0 0	1	0 0 0	3	0 0 0	0	0 0 0
4	Theft 379 to 382.	124	9,219 8 5	30	727 11 8	0	0 0 0	94	3,117 2 4	84	3,354 14 0	40	5,364 10 5
5	Criminal breach of trust 406 to 409.	12	3,604 7 6	2	107 0 0	0	0 0 0	8	3,413 4 6	10	3,520 4 6	2	84 3 0
6	Receiving stolen property dishonestly 411 to 414.	3	285 0 0	2	117 0 0	0	0 0 0	1	168 0 0	3	285 0 0	0	0 0 0
7	Committing mischief 436 to 440.	3	0 0 0	1	0 0 0	0	0 0 0	1	0 0 0	2	0 0 0	1	0 0 0
8	Lurking house trespass and house breaking 453 to 460.	5	372 8 0	1	136 0 0	0	0 0 0	3	80 0 0	4	216 0 0	1	156 8 0
9	Robbery 392 to 394	1	119 8 0	0	0 0 0	0	0 0 0	0	0 0 0	0	0 0 0	1	119 8 0
10	Dacoity 395.	1	175 0 0	0	0 0 0	0	0 0 0	0	0 0 0	0	0 0 0	1	175 0 0
11	Counterfeiting or possessing or delivering counterfeit coin 239 to 243.	1	0 0 0	1	0 0 0	0	0 0 0	0	0 0 0	1	0 0 0	0	0 0 0
12	Administering stupefying drugs with intent to commit offence 328.	2	0 0 0	0	0 0 0	0	0 0 0	2	0 0 0	2	0 0 0	0	0 0 0
Total.....		162	13,775 15 11	39	1,097 11 8	0	0 0 0	77	6,778 6 10	116	7,876 2 6	46	5,899 13 5

57. Of the 6 cases of murder, entered in the foregoing Statement, one Review of Crimes. was that of Mr. Bain's, already alluded to by me, and which was subsequently disposed of as one of having caused grievous hurt, but of the remaining 5 cases, two were dismissed in consequence of the evidence being insufficient to show who were the administrators of poison. It will be seen that the other offences against the person are comparatively few.

There was only one case each of Robbery and Dacoity. The latter occurred near the frontier and the Dacoits escaped into Mysore.

58. The total value of property, reported to have been stolen or otherwise lost, amounted to Rupees 14,066—14—5, but Value of property stolen. only Rupees 12,890—10—9 worth was proved during the enquiries or trials, of which Rupees 6,934—13—4 worth was duly recovered.

59. The average value of the property, proved to have been lost in each case, was Rs. 24—7—4 and that of property recovered Per centage of property. was Rs. 14—8—1 or 69·41 per cent, against 62·96 per cent in 1864.

60. The number of suicides and accidental deaths Accidental deaths. was respectively 8 and 19, as against 9 and 31 of the previous year.

There was one person killed and 5 wounded by wild beasts, and 283 wild beasts were killed during 1865, against 232 in 1864.

61. The only regular Police in Coorg is a small Town Police Force for Mahadeopett, the pettah of Mercara, consisting of General Remarks. 2 Duffadars and 14 Peons. Verrajendrapett, however, is becoming daily a larger and more important place. It is the centre of the rising and important trade of Coorg, and the inhabitants have petitioned me, during a recent visit to the place, for a Town Police for the patrol and protection of their town, and I am engaged in endeavouring to raise Municipal funds for the conservancy of the pettah, and the maintenance of this Police.

The Jumrah Ryots of Coorg cannot of course be expected to perform the regular duties of a Town Police.

PART IV. JAIL.

62. The building, now used as the Sudder Jail at Mercara, has been condemned, and it has been decided, on the reports Sudder Jail. of both the Officiating Chief Engineer and the Deputy Inspector General of Hospitals, that the buildings,

formerly occupied as the magazine and workshops of the Madras Sappers and Miners, should be adopted, so as to meet all the requirements lately determined on by the Government of India, as absolutely necessary to ensure the sanitary condition of the prisoners.

63. The buildings now used as a Sudder Jail are utterly unfit for the purpose, and their immediate proximity to the quarters of the Officers of the Garrison, the different Offices and Courts under the control of the Superintendent of Coorg, and the Sepoy's Lines, is most objectionable. Symptoms of cholera were manifested last year, and I had at once to add the adjacent buildings, used as a Talook Cutcherry, to the Jail, and, with the Medical Officer's concurrence, moved out 24 of the convicts to the very building now selected for the future Sudder Jail. These remedial measures proved successful, all symptoms disappeared and we had not a single further case. The construction of the new Jail has been sanctioned by the Government of India, and I would earnestly urge that the requisite funds be also sanctioned at an early date, and the work be commenced as soon as possible after the coming monsoon.

64. There were 63 Convicts and 5 Prisoners under trial in the Jail on the opening of the year, and 125 Prisoners were committed during the year, 79 persons were under trial, making an aggregate of 188 Convicts and 84 persons under trial. Of these 195 were released or otherwise disposed of, and 13 died, leaving 55 Convicts and 9 persons under trial, at the close of the year under review. The decrease in the number of Convicts over that of the previous year was 29, whilst the deaths increased by seven.

65. There were only 2 patients in Hospital, when the year opened, but 139 were admitted during the year against 89 of the previous year, or an increase of 50 patients. The causes of these admissions, as contrasted with the year previous, are noted below.

	1864.	1865.
Fever	15	26
Dysentery	19	36
Cholera	1	0
Diarrhoea	0	40
Small pox	0	3
Other Diseases	54	34
Total . . .	89	139

Out of the admissions of the year, 124 patients were discharged as cured, 13 died, and 4 were under treatment at the close of the year.

66. The admissions showed an increase of 56·16 per cent, and the deaths of 116·66 per cent. The per centage of mortality to the total number of Prisoners, following the form of calculation adopted last year, was 4·74 per cent, against 2·30 of 1864, but adopting the statistical information, called for by the President of the Sanitary Commission of Bengal, in letter No. 265 of the 30th June 1865, as the basis of calculation, the per centage of deaths to total prison population is found to be 6·91; and calculated on the daily average strength to be 18·05

67. The total cost of maintaining the Prisoners during 1865, was Rupees 5,666—13—4, and the average cost of each prisoner, under the several heads per diem was as follows.

Feeding	..	..	..	..	0	1	6	0	1	6
Guarding	..	..	..	..	0	1	3	0	1	6
Clothing	..	..	..	..	0	0	2½	0	0	1
Hospital Charges	..	..	..	..	0	0	½	0	0	1
Contingencies	..	..	..	..	0	0	4	0	0	3
Total					0	3	4	0	3	5

68. The statement of the nature and value of the work, performed by the Prisoners, shews that the average value of the daily work of each prisoner was 3 annas and 9 pie, or an excess of 4 pie per diem over the cost of his maintenance. The value of the work performed by them is distributed under the following heads.

1	Roads	..	..	..	658	11	0
2	Public buildings	..	..	..	847	11	0
3	Manufacture	..	..	..	3,309	7	8
Total..					4,815	13	8

69. It is self evident, from the various Sections of this report, that the labours of the officials in the several branches of Judicial Administration have increased largely, and will continue to increase year by year and keep pace with the material prosperity of the country, when therefore, it is considered that the single Goomastah who used to conduct the several duties of his office

in each Talook, in former days, when Coorg was almost a *terra incognita*, and the work simple and easily performed, has now to carry out the duties of the Revenue Department, in addition to those which this report shews now devolve on him, the necessity for an increase in Establishments, as lately requested, becomes self apparent.

The large increase, shewn in the ratio of admissions, into the Jail Hospital, and of deaths, would also evince the urgent necessity for the speedy construction of the New Sudder Jail. As I had the honor of serving in this Province for the greater portion of the year under review, I can now better form an opinion of the merits of the subordinate Judicial officials, but, when all have worked zealously and to the best of their ability, it becomes an invidious task to name any particularly. I must, however, state that Mr. Cheppuddy Soobiah, the Native Assistant, and Kodaundah Appachoo, the Mooktasur of the Duryaft Cutcherry, especially merit my thanks, for the zealous and efficient manner, in which they have discharged their duties, and Shamanah, the Judicial Sheristadar, still continues to merit the high opinion formed of him by successive Superintendents. I cannot close this report without alluding to the great loss, which this Province has sustained in being again deprived of the valuable services of Mr. William Hobart Kerr, who has been obliged to proceed to England on medical certificate. The Commissioner of Mysore and Coorg has placed on record his high sense of the manner in which Mr. Kerr had discharged the responsible duties entrusted to him, and as a friend, no higher encomium could be passed by me. In conclusion, I have again to solicit the indulgent consideration of the Government towards the various imperfections of this Report, and to the delay in submitting it.

This delay has been due to the late period at which I took charge of the Province, and to the various onerous duties which devolved on me on first assuming charge.

SUPERINTENDENT'S OFFICE,
Coorg, 5th April 1866.

(Signed) R. A. COLE,
Superintendent.

"True Copy"

CHAS. B. SAUNDERS,
Judicial Commissioner.

TABULAR STATEMENTS
OF THE
JUDICIAL REPORT ON COORG.

Statement of Original Suits filed and disposed of during the year 1865 in the different Courts of Coorg.

2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
DESCRIPTION OF COURTS.	DISPOSED OF.														
	DECREED.														
	In favor of Plaintiffs.														
	Number of cases pending at the close of last year.	Filed during the year.	Received by Transfers.	Total.	Transferred.	Remaining for disposal.	Non-suited, struck off for default and withdrawn.	Razeenamah.	By confession of Judgment or consent.	On trial.	Total.	In favor of the Defendants.	Total decreed.	Total number of cases disposed of.	Pending at the close of the year.
Superintendent	1	6	1	8	0	8	0	0	0	5	5	0	5	5	8
Assistant Superintendent..	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Durgah Cutcherry	9	95	4	109	1	108	17	4	19	51	70	4	78	93	13
Zoodadars	33	923	7	963	5	958	82	106	272	429	701	37	844	926	32
Total...	43	1,025	12	1,080	6	1,074	99	110	291	485	776	41	927	1,026	48
Ditto for 1864...	60	797	3	860	1	859	45	206	138	378	516	49	771	816	48
Increase	0	228	9	220	5	215	54	0	153	107	260	0	156	210	5
Decrease	17	0	0	0	0	0	0	94	0	0	0	8	0	0	0

COORG JUDICIAL COMMISSIONER'S OFFICE.

CHAS. F. SAUNDERS.

Police.

APPENDIX C.—TABLE No. 2.

Statement of accidental deaths, &c., in the District of Coorg for the year 1865.

Number.	DISTRICT.	Suicides.	Accidental deaths.	Deaths by wild beasts.	Total.	Number of persons wounded by wild beasts.	Number of wild beasts killed.
1	Coorg.	8	19	1	28	5	283
	Ditto for 1864.....	9	31	0	40	4	232
	Increase	0	0	1	0	1	51
	Decrease	1	12	0	12	0	0

COORG JUDICIAL COMMISSIONER'S OFFICE,
BANGALORE, 9th May 1866.

CHAS. B. SAUNDERS,
Judicial Commissioner.

